

# THE MONTHLY CHRONICLE.

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MAY, 1841.

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## ARTICLE VIII.

### THE AFFAIR OF ALEXANDER M'LEOD.

The arrest of Alexander McLeod, a subject of the British province of Upper Canada, at Lockport, in the State of New York, with the purpose of bringing him to trial, on a charge of arson and murder, alleged to have been committed by him within the limits of the State, while acting under the military command of a British naval officer, then in the service of the colonial government, has given rise to a very important diplomatic question, between the governments of the two countries. The question has awakened a deep interest, particularly in Great Britain, and at one period, it excited serious apprehensions that it might lead to differences which would not be settled without a resort to hostile measures. This apprehension was so general in England, as to produce a sensible effect on the commercial transactions between the two countries, and the alarm spread throughout Europe. So far was even the American Minister in London impressed with the danger of a sudden outbreak of hostilities, that it is understood that he despatched a messenger to the American squadron in the Mediterranean, advising the commanders of the national vessels in that sea, to provide for their own safety, by shaping their course homeward.

In this country the danger of serious consequences to result from this affair was not felt to be so imminent. The public were aware, however, that a difficult question had arisen between the two governments, and it was understood that a demand had been made by that

of Great Britain, which might not be fully acceded to, though the precise nature of the demand, and of the reply, were until recently but imperfectly understood. Various conversations in the British parliament had made known the general grounds taken by that Government, but it was not known in what form their claim had been presented to our own, or in what manner the claim had been met. The recent publication of the correspondence between the British Minister and our Secretary of State, with the instructions of the latter to the Attorney General of the United States, puts an end to this uncertainty, and lays before the public the whole history of the transaction. The importance of this correspondence, as both forming a part of the history of the day, and as discussing an interesting question of national law, induces us to publish it at length. The view taken of all the questions presented, in the letter of Mr. Webster, is so full and clear, that it leaves no room for comment. It only remains for us to give a brief history of the transactions, in which the affair now in question had its origin.

In December 1837, on the defeat of the party in Upper Canada, who had taken up arms against the colonial government, William Lyon Mackenzie and Dr. Rolf, two principal leaders of the insurrection, made their escape to the State of New York. They immediately proceeded to the city of Buffalo, where a strong popular feeling had been manifested in favor of the insurrection. There, after two or three preliminary meetings, a large popular assembly was held on the 12th of December, at the theatre, where were assembled 2,000 people, and large numbers were unable to gain admittance to the theatre, for want of room. Mackenzie was present, and made a speech, recounting his exploits, and strongly exciting the feelings of the assembly against the British authorities. The speech was received with bursts of applause, and resolutions were entered into to aid the cause of the colonial insurrection, by encouraging the enlistment of men, and by contributions in money. Shortly afterwards, a party was organized, consisting partly of refugee Canadians, but chiefly of Americans, for the invasion of the province. As they could not openly embody themselves in the United States, and were too feeble to maintain a position in Canada, within reach of the military force embodied there, they adopted the expedient of taking possession of Navy Island, a small uninhabited island in Niagara river, belonging to Canada, and situated a few miles above Niagara Falls. It is only half a mile from the Canada shore, but is in a great measure secured from invasion from this quarter by the rapidity of the current; yet it is easily accessible by boats and vessels from the American shore. Here a provisional government was established, and Mackenzie was placed at its head. Rensselaer Van

Rensselaer, an American citizen from Albany, was appointed military commander. Proclamations were issued, inviting the discontented of the human race to flock to the standard of Canadian liberty, and offering rewards for military services, in lands to be conquered in Canada. Paper money was issued, redeemable from the resources of the government, when it should acquire any, and in this medium purchases were made of munitions of war, and provisions for the rapidly-increasing army, except so far as these were not gratuitously furnished. Batteries were erected, in which cannon stolen from the arsenals of the State of New York were mounted, for the defence of the island, and for bombarding the town of Chippewa, on the opposite shore. The force on the island increased so rapidly, that they talked loudly of crossing over to the neighboring continent, and the colonial governor assembled a body of volunteer militia at Chippewa, under Colonel McNab, for the defence of the colony, with threats of making a hostile descent upon the island.

The only resources of the newly established government were the voluntary enlistment of adventurers, the gratuitous contributions of those citizens who favored their cause, the credit of their paper currency, and the arms and munitions of war, of which the public arsenals were freely plundered by their adherents. By the 20th of December, they were reported to number 7 or 800 men, with 12 or 15 cannon, and their numbers were daily increasing, by parties of men flocking to the island, from various parts of the State of New York. It was announced in a Buffalo paper, that on the night of Dec. 19, the state arsenal at Batavia was entered, and 500 stand of arms and several pieces of ordnance were stolen therefrom. On the night of the 20th, the watch house at Buffalo was forcibly entered, and the state arms which were deposited there for safe keeping, were taken away. It was stated in the Rochester Daily Advertiser of Dec. 25, that 40 or 50 men left that place on the night of the 23d, for Navy Island, and that during the nights of the 21st and 22d, three pieces of ordnance were taken from their places, in or near Rochester, and were probably carried to Navy Island; two of which belonged to the State, and one to the United States.

A body of 200 colonial volunteers was stationed in the village of Chippewa, opposite to the island, which had been evacuated by the inhabitants. On the night of the 26th the volunteers commenced the erection of a battery at Chippewa. On the following morning a cannonade was opened upon it from the island, and it was abandoned, and nearly destroyed. The work on the battery was resumed on the following night, and the cannonade was again opened upon it on the next day. The rapid increase of the army of the islanders, naturally excited alarm in the minds of the loyal inhabitants of the col-

ony. On the entire suppression of the insurrection in the western district of Canada, a considerable volunteer force, with a number of regular troops, were embodied at Chippewa, and it was rumored that an assault was about to be made upon the island. It was also currently reported, that the islanders were meditating a descent upon some part of the Canadian territory.

In the mean time, very little effort had been used by the authorities of New York, to prevent this invasion of the neighboring province, or the plunder of the State arsenals. On the 21st of December, Mr. Forsyth, the Secretary of State, by direction of the President of the United States, wrote to the United States Attorney for the northern district of New York, stating the information he had received of the public meetings at Buffalo, and of the presence of Mackenzie and Rolf there, soliciting men and munitions of war, and instructing him in case there should be any violations of the law susceptible of proof, to commence legal proceedings against the persons concerned. It does not appear that any measures of a repressive character were adopted, in consequence of these instructions. Mr. Garrow, the U. S. Marshal, arrived at Buffalo on the 22d. It was stated that he met a party of men marching towards Navy Island with a fieldpiece, but that he had no power to stop it.

While these things were going on, and the public attention was eagerly turned towards this growing body of invaders, in expectation of some decisive event, a constant intercourse was kept up between them and the American shore. To facilitate this intercourse, and to derive a revenue from the crowds of persons who were flocking to the island, the steamboat Caroline, belonging to William Wells, a citizen of Buffalo, under the command of Capt. Appleby, was employed as a regular passage boat, between the island and the American port of Schlosser, nearly opposite, a few miles above Niagara Falls. She was cut out of the ice, and put in a condition to enter upon this service, of which the Canadian commander, Colonel McNab, received immediate notice, and he promptly resolved to destroy her on the first opportunity. On the 29th, this steamer proceeded down to Navy Island, and thence passed over to Schlosser, where she arrived at 3 o'clock, P. M.

She subsequently made two trips to Navy Island and back on the same afternoon, carrying over passengers, at 25 cents each, and conveying also, as alleged by the British officers, munitions of war, and a cannon for the use of the invaders of the island. She was moored to the wharf at night, and in addition to the crew, ten in number, who slept on board the vessel, several persons who had resorted to Schlosser from curiosity, or from some other motive, went on board to lodge, and retired to rest in the cabin. A single man of the crew remained on deck to watch. At midnight he gave the alarm

that several boats were approaching from the opposite side of the river, and by the time the unarmed crew and lodgers were aroused from their slumbers, the boat was boarded by a party of armed men, they were driven on shore, the boat was towed out from the harbor, set on fire, and suffered to drift down the river over the cataract of the Niagara. One person, Amos Durfee, a citizen of Buffalo, was found dead on the wharf, shot through the head by a musket ball, and three men were wounded by blows from the assailants. It was at first supposed and currently reported, that there were several persons on board the steamer when she went over the falls ; but it did not appear from subsequent proof, that any person was missing. Col. McNab reported the exploit to Lieut. Gov. Head, as performed under his orders, in the most gallant manner, by Capt. Drew, of the royal navy, with a party of volunteers. Capt. Drew reported that he had three men wounded, "and the pirates about the same number killed," and that finding it impossible to get the vessel across the river in consequence of the rapidity of the current, she was set on fire, and abandoned.

This event produced a strong sensation and some alarm on the frontier. The sheriffs of Erie and Niagara called out the militia of their respective counties, who assembled to the number of 2,000 men. Many ardent spirits were ready for an immediate invasion of the provinces. But this zeal soon subsided. The current of recruits to Navy Island was sensibly checked. Reflecting men perceived the necessity of being better prepared to preserve the peace of the country—of being able to put some restraint upon the eagerness of our own citizens to embark in the war against Canada, as well as to guard against the retaliatory measures of the colonial government. Gov. Marcy, of New York, addressed a message to the legislature, denouncing the invasion of the territory of the Union, and the outrage upon the persons and property of our citizens, and at the same time gave assurances that the authorities of the State and of the United States had "felt an anxious solicitude to maintain the relations of peace and strict neutrality with the British Provinces of Upper and Lower Canada." General Arcularius, Commissary General of New York, was sent to Navy Island for the purpose of recovering the property belonging to the State, which had been abstracted from the arsenals, and appropriated to the service of the infant government. On the 3d of January he arrived at the headquarters of Gen. Van Rensselaer, and made a demand of the surrender of the cannon and arms which he claimed as the property of the State. The latter took time to consider the demand, and on the following day sent an answer, declining to comply with it. The Commissary General, to be prepared in season against another proba-

ble contingency, took the precaution, it was said, to proceed to Upper Canada, and to lay the case before the Lieut. Governor, who obligingly assured him, that in case the guns should in the course of events fall into his possession, he would promptly restore them to their right owners.

On the news of the commotions on the frontier, Maj. Gen. Scott, of the U. S. army, was ordered to proceed to that quarter, and to adopt such measures as should be necessary for the public security and the execution of the laws. At Albany he was joined by Gov. Marcy and Adj. Gen. Macdonald, and arrived at Buffalo on the 10th of January. There was probably some communication between him and the leaders at Navy Island, but the nature of these communications was not made public. The President of the United States, on the 5th of January, issued a proclamation, reciting that violations of the public peace had taken place on the northern frontier, and among other things, that "a military force, consisting in part, at least, of citizens of the United States, had been actually organized, had congregated at Navy Island, and were still in arms under the command of a citizen of the United States, and that they were constantly receiving accessions and aid." He earnestly exhorted all citizens of the United States who had thus violated their duties to return peaceably to their homes, and warned them that in compromising the neutrality of the government, they would render themselves liable to arrest and punishment, and that they would receive no aid nor countenance from their government, in any difficulties which they might be thrown into, by the violation of the laws of their country, and of the territory of a neighboring and friendly nation. Soon after the appearance of this proclamation, it was understood that two companies of U. S. troops were on their march to the Niagara frontier.

Mackenzie, the head of the Provisional Government, having come over from Navy Island to Buffalo, was arrested by the U. S. Marshal, on a charge of raising an armed force for the invasion of a country with which the nation was at peace, and was admitted to bail in the sum of \$5,000, three citizens of Buffalo having offered to become his bail.

Soon after the arrival of Gen. Scott and Gov. Marcy at the frontier, it began to be rumored that Navy Island was to be evacuated. On the 12th of January, the loyalist volunteers at Chippewa opened a brisk cannonade upon the works at the island, which was not productive of any serious results. During the night of the 14th, the Patriot army at the island passed over to Grand Island, which is within the territory of the United States, and disbanded. They had previously sent over to Schlosser, in a scow, the cannon and muskets

belonging to the United States and the State of New York, which were there placed in the care of Col. Ayres, of the New York militia. In the passage over, the boat came very near going over the falls, with all the men on board. They were saved only by the accidental rise of a squall of wind from the north west, by the aid of which, with the use of blankets for sails, they succeeded in stemming the force of the current, which otherwise, in consequence of the heavy lading of the boat, they would have been unable to accomplish. The number of the Patriot army, on being mustered for their discharge, was stated to be 510 men enrolled, besides about 150 supernumeraries. They passed over to the main land, and most of them proceeded quietly and unarmed to Black Rock and Buffalo. The British flag was on the following day hoisted at Navy Island. Gen. Van Rensselaer, on his arrival at Buffalo, was arrested by the U. S. Marshal, for a violation of the neutrality law, and discharged on bail to the amount of \$3,000. On the 19th, Gov. Marcy returned to Albany.

The resolution for the evacuation of Navy Island was undoubtedly formed with the purpose on the part of the leaders, (with the exception of the commander-in-chief, who was probably willing to abandon the service,) of proceeding to the west, and joining another party which was preparing to invade the province from the neighborhood of Detroit. Their plans for proceeding thither by water were defeated, and in their persevering efforts to accomplish their purpose, they suffered severe privations and hardships, and many of them perished. A narrative of the proceedings connected with this other expedition would be foreign to our present purpose. The object of the present narrative is to state only those events which are directly or indirectly connected, in their causes or consequences, with the burning of the steamer Caroline. It might perhaps be satisfactory to the reader to be furnished with the whole correspondence which passed between the representatives of the two governments on this subject. This would occupy more room than we can devote to it, and it is not necessary to the clear understanding of the present position of the questions involved, as they are presented in the correspondence which follows.

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DOCUMENTS ACCOMPANYING THE PRESIDENT'S MESSAGE,

FROM THE DEPARTMENT OF STATE.

*Mr. Fox to Mr. Webster.*

WASHINGTON, March 12, 1841.

The undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, is instructed by his Government to make

the following official communication to the Government of the United States :

Her Majesty's Government have had under their consideration the correspondence which took place at Washington in December last, between the United States Secretary of State, Mr. Forsyth, and the undersigned, comprising two official letters from the undersigned to Mr. Forsyth, dated the 13th and 29th of December, and two official letters from Mr. Forsyth to the undersigned, dated the 26th and 30th of the same month, upon the subject of the arrest and imprisonment of Mr. Alexander McLeod, of Upper Canada, by the authorities of the State of New York, upon a pretended charge of arson and murder, as having been engaged in the capture and destruction of the steam-boat Caroline, on the 29th of December, 1837.

The undersigned is directed, in the first place to make known to the Government of the United States, that Her Majesty's Government entirely approve of the course pursued by the undersigned in that correspondence, and of the language adopted by him in the official letters above mentioned.

And the undersigned is now instructed again to demand from the Government of the United States, formally, in the name of the British Government, the immediate release of Mr. Alexander McLeod.

The grounds upon which the British Government make this demand upon the Government of the United States, are these : That the transaction, on account of which Mr. McLeod has been arrested and is to be put upon his trial, was a transaction of a public character, planned and executed by persons duly empowered by her Majesty's Colonial Authorities to take any steps and to do any acts which might be necessary for the defence of her Majesty's territories, and for the protection of Her Majesty's subjects; and that consequently, those subjects of Her Majesty who engaged in that transaction were performing an act of public duty, for which they cannot be made personally and individually answerable to the laws and tribunals of any foreign country.

The transaction in question may have been, as Her Majesty's Government are of opinion that it was, a justifiable employment of force, for the purpose of defending the British territory from the unprovoked attack of a band of British rebels and American pirates, who, having been permitted to arm and organize themselves within the territory of the United States, had actually invaded and occupied a portion of the territory of Her Majesty ; or it may have been, as alleged by Mr. Forsyth, in his note to the undersigned of the 26th of December, "a most unjustifiable invasion in time of peace of the territory of the United States." But this is a question essentially of a political and international kind, which can be discussed and settled only between the two Governments, and which the courts of justice of the State of New York cannot, by possibility, have any means of judging, or any right of deciding.

It would be contrary to the universal practice of civilized nations to fix individual responsibility upon persons who, with the sanction or

by the orders of the constituted authorities of a state, engaged in military or naval enterprises in their country's cause; and it is obvious that the introduction of such a principle would aggravate beyond measure the miseries, and would frightfully increase the demoralizing effects of war, by mixing up with national exasperation the ferocity of personal passions, and the cruelty and bitterness of individual revenge.

Her Majesty's Government cannot believe that the Government of the United States can really intend to set an example so fraught with evil to the community of nations, and the direct tendency of which must be to bring back into the practice of modern war atrocities which civilization and Christianity have long since banished.

Neither can Her Majesty's Government admit for a moment the validity of the doctrine advanced by Mr. Forsyth, that the Federal Government of the United States has no power to interfere in the matter in question, and that the decision thereof must rest solely and entirely with the State of New York.

With the particulars of the internal compact which may exist between the several States that compose the Union, foreign Powers have nothing to do: the relations of foreign Powers are with the aggregate Union: that Union is to them represented by the Federal Government; and of that Union the Federal Government is to them the only organ. Therefore, when a foreign Power has redress to demand for a wrong done to it by any State of the Union, it is to the Federal Government, and not to the separate State, that such Power must look for redress for that wrong. And such foreign Power cannot admit the plea that the separate State is an independent body over which the Federal Government has no control. It is obvious that such a doctrine, if admitted, would at once go to a dissolution of the Union, as far as its relations with foreign Powers are concerned; and foreign Powers, in such case, instead of accrediting diplomatic agents to the Federal Government, would send such agents not to that Government, but to the Government of each separate State; and would make their relations of peace and war with each State depend upon the result of their separate intercourse with such State, without reference to the relations they might have with the rest.

Her Majesty's Government apprehend that the above is not the conclusion at which the Government of the United States intend to arrive; yet such is the conclusion to which the arguments that have been advanced by Mr. Forsyth necessarily lead.

But be that as it may, Her Majesty's Government formally demand, upon the grounds already stated, the immediate release of Mr. McLeod; and Her Majesty's Government entreat the President of the United States to take into his most deliberate consideration the serious nature of the consequences which must ensue from a rejection of this demand.

The United States Government will perceive that, in demanding Mr. McLeod's release, Her Majesty's Government argue upon the assumption that he was one of the persons engaged in the capture of the

steamboat "Caroline:" but Her Majesty's Government have the strongest reasons for being convinced that Mr. McLeod was not in fact engaged in that transaction: and the undersigned is hereupon instructed to say, that although the circumstance itself makes no difference in the political and international question at issue; and although Her Majesty's Government do not demand Mr. McLeod's release upon the ground that he was not concerned in the capture of the "Caroline," but upon the ground that the capture of the "Caroline" was a transaction of a public character, for which the persons engaged in it cannot incur private and personal responsibility; yet the Government of the United States must not disguise from themselves that the fact that Mr. McLeod was not engaged in the transaction must necessarily tend greatly to inflame that national resentment, which any harm that shall be suffered by Mr. McLeod at the hands of the authorities of the State of New York will infallibly excite throughout the whole of the British Empire.

The undersigned, in addressing the present official communication by order of his Government, to Mr. Webster, Secretary of State of the United States, has the honor to offer to him the assurance of his distinguished consideration.

H. S. FOX.

The Hon. DANIEL WEBSTER, &c. &c. &c.

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*Mr. Webster to Mr. Fox.*

DEPARTMENT OF STATE.

*Washington, April 24, 1841.*

The undersigned, Secretary of State of the United States, has the honor to inform Mr. Fox, Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty, that his note of the 12th of March was received and laid before the President.

Circumstances well known to Mr. Fox have necessarily delayed for some days, the consideration of that note.

The undersigned has the honor now to say that it has been fully considered, and that he has been directed by the President to address to Mr. Fox the following reply:

Mr. Fox informs the Government of the United States that he is instructed to make known to it that the Government of Her Majesty entirely approve the course pursued by him in his correspondence with Mr. Forsyth in December last, and the language adopted by him on that occasion; and that that Government have instructed him "again to demand from the Government of the United States, formally, in the name of the British Government, the immediate release of Mr. Alexander McLeod;" that "the grounds upon which the British Government make this demand upon the Government of the United States are these:—That the transaction on account of which Mr. McLeod has been arrested and is to be put upon his trial was a transaction of a public character, planned and executed by persons duly empowered

by Her Majesty's colonial authorities to take any steps and to do any acts which might be necessary for the defence of Her Majesty's territories, and for the protection of Her Majesty's subjects, and that consequently those subjects of Her Majesty who engaged in that transaction were performing an act of public duty, for which they cannot be made personally and individually answerable to the laws and tribunals of any foreign country."

The President is not certain that he understands precisely the meaning intended by Her Majesty's Government to be conveyed by the foregoing instruction.

This doubt has occasioned with the President some hesitation, but he inclines to take it for granted that the main purpose of the instruction was to cause it to be signified to the Government of the United States that the attack on the steamboat "Caroline" was an act of public force, done by the British colonial authorities, and fully recognized by the Queen's Government at home, and that consequently no individual concerned in that transaction can, according to the just principle of the laws of nations, be held personally answerable in the ordinary courts of law as for a private offence; and that upon this avowal of Her Majesty's Government, Alexander McLeod, now imprisoned on an indictment for murder alleged to have been committed in that attack, ought to be released by such proceedings as are usual and are suitable to the case.

The President adopts the conclusion that nothing more than this could have been intended to be expressed, from the consideration that Her Majesty's Government must be fully aware that in the United States, as in England, persons confined under judicial process can be released from that confinement only by judicial process. In neither country, as the undersigned supposes, can the arm of the Executive power interfere, directly or forcibly, to release or deliver the prisoner. His discharge must be sought in a manner conformable to the principles of law and the proceedings of the courts of judicature. If an indictment, like that which has been found against Alexander McLeod, and under circumstances like those which belong to his case, were pending against an individual in one of the courts of England, there is no doubt that the law officer of the Crown might enter a *nolle prosequi*, or that the prisoner might cause himself to be brought up on *habeas corpus* and discharged, if his ground of discharge should be adjudged sufficient, or that he might prove the same facts, and insist on the same defence or exemption on his trial.

All these are legal modes of proceeding, well known to the laws and practice of both countries. But the undersigned does not suppose that, if such a case were to arise in England, the power of the Executive Government could be exerted in any more direct manner. Even in the case of Ambassadors and other public Ministers, whose right to exemption from arrest is personal, requiring no fact to be ascertained but the mere fact of diplomatic character, and to arrest whom is sometimes made a highly penal offence, if the arrest be actually made, it must be discharged by application to the courts of law.

It is understood that Alexander McLeod is holden as well on civil as on criminal process for acts alleged to have been done by him in the attack on the "Caroline," and his defence or ground of acquittal must be the same in both cases. And this strongly illustrates, as the undersigned conceives, the propriety of the foregoing observations; since it is quite clear that the Executive Government cannot interfere to arrest a civil suit between private parties in any stage of its progress, but that such suit must go on to its regular judicial termination. If, therefore, any course, different from such as have been now mentioned, was in contemplation of her Majesty's Government, something would seem to have been expected from the Government of the United States as little conformable to the laws and usages of the English Government as to those of the United States, and to which this Government cannot accede.

The Government of the United States, therefore, acting upon the presumption which is already adopted, that nothing extraordinary or unusual was expected or requested of it, decided, on the reception of Mr. Fox's note, to take such measures as the occasion and its own duty appeared to require.

In his note to Mr. Fox of the 26th of December last, Mr. Forsyth, the Secretary of State of the United States, observes, that "if the destruction of the 'Caroline' was a public act of persons in Her Majesty's service, obeying the order of their superior authorities, this fact has not been before communicated to the Government of the United States by a person authorized to make the admission; and it will be for the Court which has taken cognizance of the offence with which Mr. McLeod is charged to decide upon its validity when legally established before it;" and adds, "The President deems this to be a proper occasion to remind the Government of Her Britannic Majesty that the case of the 'Caroline' has been long since brought to the attention of her Majesty's principal Secretary of State for Foreign Affairs, who, up to this day, has not communicated its decision thereupon. It is hoped that the Government of Her Majesty will perceive the importance of no longer leaving the Government of the United States uninformed of its views and intentions upon a subject which has naturally produced much exasperation, and which has led to such grave consequences."

The communication of the fact that the destruction of the "Caroline" was an act of public force by the British authorities being formally communicated to the Government of the United States by Mr. Fox's note, the case assumes a decided aspect.

The Government of the United States entertains no doubt that, after this avowal of the transaction as a public transaction, authorized and undertaken by the British authorities, individuals concerned in it ought not, by the principles of public law and the general usage of civilized States, to be holden personally responsible in the ordinary tribunals of law for their participation in it. And the President presumes that it can hardly be necessary to say that the American people, not distrustful of their ability to redress public wrongs by public

means, cannot desire the punishment of individuals, when the act complained of is declared to have been an act of the Government itself.

Soon after the date of Mr. Fox's note, an instruction was given to the Attorney General of the United States from this Department, by direction of the President, which fully sets forth the opinions of this Government on the subject of Mr. McLeod's imprisonment, a copy of which instruction the undersigned has the honor herewith to enclose.

The indictment against McLeod is pending in a State Court; but his rights, whatever they may be, are no less safe, it is to be presumed, than if he were holden to answer in one of the Courts of this Government.

He demands immunity from personal responsibility by virtue of the law of nations, and that law, in civilized States, is to be respected in all Courts. None is either so high or so low as to escape from its authority in cases to which its rules and principles apply.

This Department has been regularly informed, by his Excellency the Governor of the State of New York, that the Chief Justice of that State was assigned to preside at the hearing and trial of McLeod's case, but that, owing to some error or mistake in the process of summoning the jury, the hearing was necessarily deferred.

The President regrets this occurrence, as he has a desire for a speedy disposition of the subject. The counsel for McLeod have requested authentic evidence of the avowal by the British Government of the attack on, and destruction of, the "Caroline," as acts done under its authority, and such evidence will be furnished to them by this Department.

It is understood that the indictment has been removed into the Supreme Court of the State by the proper proceeding for that purpose, and that it is now competent for Mr. McLeod, by the ordinary process of *habeas corpus*, to bring his case for hearing before that tribunal.

The undersigned hardly needs to assure Mr. Fox that a tribunal so eminently distinguished for ability and learning as the Supreme Court of the State of New York may be safely relied upon for the just and impartial administration of the law in this as well as in other cases; and the undersigned repeats the expression of the desire of this Government that no delay may be suffered to take place in these proceedings which can be avoided. Of this desire, Mr. Fox will see evidence in the instructions above referred to.

The undersigned has now to signify to Mr. Fox that the Government of the United States has not changed the opinion which it has heretofore expressed to her Majesty's Government of the character of the act of destroying the "Caroline."

It does not think that the transaction can be justified by any reasonable application or construction of the right of self-defence, under the laws of nations. It is admitted that a just right of self-defence attaches always to nations as well as to individuals, and is equally necessary for the preservation of both. But the extent of this right is a question to be judged of by the circumstances of each particular case;

and when its alleged exercise has led to the commission of hostile acts within the territory of a Power at peace, nothing less than a clear and absolute necessity can afford ground of justification. Not having, up to this time, been made acquainted with the views and reasons, at length, which have led Her Majesty's Government to think the destruction of the "Caroline" justifiable as an act of self-defence, the undersigned, earnestly renewing the remonstrance of this Government against the transaction, abstains, for the present, from any extended discussion of the question. But it is deemed proper, nevertheless, not to omit to take some notice of the general grounds of justification stated by Her Majesty's Government in their instructions to Mr. Fox.

Her Majesty's Government have instructed Mr. Fox to say that they are of opinion that the transaction which terminated in the destruction of the Caroline was a justifiable employment of force, for the purpose of defending the British territory from the unprovoked attack of a band of British rebels and American pirates, who, having been "permitted" to arm and organize themselves within the territory of the United States, had actually invaded a portion of the territory of Her Majesty.

The President cannot suppose that Her Majesty's Government, by the use of these terms, meant to be understood as intimating that those acts, violating the laws of the United States, and disturbing the peace of the British territories, were done under any degree of countenance from this Government, or were regarded by it with indifference; or that, under the circumstances of the case, they could have been prevented by the ordinary course of proceeding. Although he regrets that, by using the term "permitted" a possible inference of that kind might be raised, yet such an inference, the President is willing to believe, would be quite unjust to the intentions of the British Government.

That on a line of frontier such as separates the United States from Her Britannic Majesty's North American Provinces—a line long enough to divide the whole of Europe into halves—irregularities, violences, and conflicts should sometimes occur, equally against the will of both Governments, is certainly easily to be supposed. This may be more possible, perhaps, in regard to the United States, without any reproach to their Government, since their institutions entirely discourage the keeping up of large standing armies in time of peace, and their situation happily exempts them from the necessity of maintaining such expensive and dangerous establishments. All that can be expected from either Government in these cases is good faith, a sincere desire to preserve peace and do justice, the use of all proper means of prevention, and that, if offences cannot, nevertheless, be always prevented, the offenders shall still be justly punished. In all these respects, this Government acknowledges no delinquency in the performance of its duties.

Her Majesty's Government are pleased, also, to speak of those American citizens who took part with persons in Canada, engaged in

an insurrection against the British Government, as "American pirates." The undersigned does not admit the propriety or justice of this designation. If citizens of the United States fitted out, or were engaged in fitting out, a military expedition from the United States intended to act against the British Government in Canada, they were clearly violating the laws of their country, and exposing themselves to the just consequences which might be inflicted on them if taken within the British dominions. But, notwithstanding this, they were, certainly, not pirates, nor does the undersigned think that it can advance the purpose of fair and friendly discussion, or hasten the accommodation of national difficulties, so to denominate them. Their offence, whatever it was, had no analogy to cases of piracy. Supposing all that is alleged against them to be true, they were taking a part in what they regarded as a civil war, and they were taking a part on the side of the rebels. Surely, England herself has not regarded persons thus engaged as deserving the appellation which Her Majesty's Government bestows on these citizens of the United States.

It is quite notorious that, for the greatest part of the last two centuries, subjects of the British Crown have been permitted to engage in foreign wars, both national and civil, and in the latter, in every stage of their progress; and yet it has not been imagined that England has at any time allowed her subjects to turn pirates. Indeed, in our own times, not only have individual subjects of that Crown gone abroad to engage in civil wars, but we have seen whole regiments openly recruited, embodied, armed, and disciplined in England, with the avowed purpose of aiding a rebellion against a nation with which England was at peace; although it is true that, subsequently, an act of Parliament was passed to prevent transactions so nearly approaching to public war, without license from the Crown.

It may be said that there is a difference between the case of a civil war, arising from a disputed succession, or a protracted revolt of a colony against the mother country, and the case of a fresh outbreak, at the commencement of a rebellion. The undersigned does not deny that such distinction may, for certain purposes, be deemed well founded. He admits that a Government, called upon to consider its own rights, interests, and duties, when civil wars break out in other countries, may decide on all the circumstances of the particular case, upon its own existing stipulations, on probable results, on what its own security requires, and on many other considerations. It may be already bound to assist one party, or it may become bound, if it so chooses, to assist the other, and to meet the consequences of such assistance.

But whether the revolt be recent or long continued, they who join those concerned in it, whatever may be their offence against their own country, or however they be treated, if taken with arms in their hands in the territory of the Government against which the standard of revolt is raised, cannot be denominated pirates, without departing from all ordinary use of language in the definition of offences. A cause which has so foul an origin as piracy cannot, in its progress, or by its success, obtain a claim to any degree of respectability

or tolerance, among nations ; and civil wars, therefore, are not understood to have such a commencement.

It is well known to Mr. Fox that authorities of the highest eminence in England, living and dead, have maintained that the general law of nations does not forbid the citizens or subjects of one government from taking part in the civil commotions of another. There is some reason, indeed, to think that such may be the opinion of Her Majesty's Government at the present moment.

The undersigned has made these remarks, from the conviction that it is important to regard established distinctions, and to view the acts and offences of individuals in the exactly proper light. But it is not to be inferred that there is, on the part of this Government, any purpose of extenuating, in the slightest degree, the crimes of those persons, citizens of the United States, who have joined in military expeditions against the British Government in Canada. On the contrary, the President directs the undersigned to say that it is his fixed resolution that all such disturbers of the national peace and violators of the laws of their country shall be brought to exemplary punishment. Nor will the fact that they are instigated and led on to these excesses by British subjects, refugees from the provinces, be deemed any excuse or palliation ; although it is well worthy of being remembered that the prime movers of these disturbances on the borders are subjects of the Queen, who come within the territories of the United States, seeking to enlist the sympathies of their citizens, by all the motives which they are able to address to them on account of grievances, real or imaginary. There is no reason to believe that the design of any hostile movement from the United States against Canada has commenced with citizens of the United States. The true origin of such purposes and such enterprises is on the other side of the line. But the President's resolution to prevent these transgressions of the laws is not, on that account, the less strong. It is taken, not only in conformity to his duty under the provisions of existing laws, but in full consonance with the established principles and practice of this Government.

The Government of the United States has not, from the first, fallen into the doubts, elsewhere entertained, of the true extent of the duties of neutrality. It has held that, however it may have been in less enlightened ages, the just interpretation of the modern law of nations is, that neutral States are bound to be strictly neutral ; and that it is a manifest and gross impropriety for individuals to engage in the civil conflicts of other States, and thus to be at war, while their Government is at peace. War and peace are high national relations, which can properly be established or changed only by nations themselves.

The United States have thought, also, that the salutary doctrine of non-intervention by one nation with the affairs of others is liable to be essentially impaired, if, while Government refrains from interference, interference is still allowed to its subjects, individually or in masses. It may happen indeed, that persons choose to leave their country, emigrate to other regions, and settle themselves on uncultivated lands, in territo-

ries belonging to other States. This cannot be prevented by Governments which allow the emigration of their subjects and citizens; and such persons, having voluntarily abandoned their own country, have no longer claim to its protection, nor is it longer responsible for their acts. Such cases, therefore, if they occur, show no abandonment of the duty of neutrality.

The Government of the United States has not considered it as sufficient to confine the duties of neutrality and non-interference to the case of Governments whose territories lie adjacent to each other. The application of the principle may be more necessary in such cases, but the principle itself they regard as being the same, if those territories be divided by half the globe. The rule is founded in the impropriety and danger of allowing individuals to make war on their own authority, or, by mingling themselves in the belligerent operations of other nations, to run the hazard of counteracting the policy, or embroiling the relations, of their own Government. And the United States have been the first among civilized nations to enforce the observance of this just rule of neutrality and peace, by special and adequate legal enactments. In the infancy of this Government, on the breaking out of the European wars which had their origin in the French Revolution, Congress passed laws with severe penalties, for preventing the citizens of the United States from taking part in these hostilities.

By these laws, it prescribed to the citizens of the United States what it understood to be their duty, as neutrals, by the law of nations, and the duty, also, which they owed to the interest and honor of their own country.

At a subsequent period, when the American colonies of an European Power took up arms against their Sovereign, Congress, not diverted from the established system of the Government by any temporary considerations, not swerved from its sense of justice and of duty by any sympathies which it might naturally feel for one of the parties, did not hesitate, also, to pass acts applicable to the case of colonial insurrection and civil war. And these provisions of law have been continued, revised, amended, and are in full force at the present moment. Nor have they been a dead letter, as it is well known that exemplary punishments have been inflicted on those who have transgressed them. It is known, indeed, that heavy penalties have fallen on individuals, citizens of the United States, engaged in this very disturbance in Canada, with which the destruction of the Caroline was connected. And it is in Mr. Fox's knowledge, also, that the act of Congress of March 10th, 1838, was passed for the precise purpose of more effectually restraining military enterprises from the United States into the British provinces, by authorizing the use of the most sure and decisive preventive means. The undersigned may add, that it stands on the admission of very high British authority, that during the recent Canadian troubles, although bodies of adventurers appeared on the border, making it necessary for the People of Canada to keep themselves in a state prepared for self defence, yet that these

adventurers were acting by no means in accordance with the feeling of the great mass of the American People, or of the Government of the United States.

This Government, therefore, not only holds itself above reproach in every thing respecting the preservation of neutrality, the observance of the principle of non-intervention, and the strictest conformity, in these respects, to the rules of international law, but it doubts not that the world will do it the justice to acknowledge that it has set an example not unfit to be followed by others, and that, by its steady legislation on this most important subject, it has done something to promote peace and good neighborhood among nations, and to advance the civilization of mankind.

The undersigned trusts that, when Her Britannic Majesty's Government shall present the grounds, at length, on which they justify the local authorities of Canada in attacking and destroying the "Caroline," they will consider that the laws of the United States are such as the undersigned has now represented them, and that the Government of the United States has always manifested a sincere disposition to see those laws effectually and impartially administered. If there have been cases in which individuals, justly obnoxious to punishment, have escaped, this is no more than happens in regard to other laws.

Under these circumstances, and under those immediately connected with the transaction itself, it will be for Her Majesty's Government to show upon what state of facts and what rules of national law the destruction of the "Caroline" is to be defended. It will be for that Government to show a necessity of self-defence, instant, overwhelming, leaving no choice of means and no moment for deliberation. It will be for it to show, also, that the local authorities of Canada, even supposing the necessity of the moment authorized them to enter the territories of the United States at all, did nothing unreasonable or excessive; since the act, justified by the necessity of self-defence, must be limited by that necessity, and kept clearly within it. It must be shown that admonition or remonstrance to the persons on board the "Caroline" was impracticable, or would have been unavailing: it must be shown that daylight could not be waited for; that there could be no attempt at discrimination between the innocent and the guilty; that it would not have been enough to seize and detain the vessel; but that there was a necessity, present and inevitable, for attacking her in the darkness of the night, while moored to the shore, and while unarmed men were asleep on board, killing some and wounding others, and then drawing her into the current, above the cataract, setting her on fire, and, careless to know whether there might not be in her the innocent with the guilty, or the living with the dead, committing her to a fate which fills the imagination with horror. A necessity for all this the Government of the United States cannot believe to have existed.

All will see that if such things be allowed to occur, they might lead to bloody and exasperated war; and when an individual comes into the United States from Canada, and to the very place on which this

drama was performed, and there chooses to make public and vain-glorious boast of the part he acted in it, it is hardly wonderful that great excitement should be created, and some degree of commotion arise.

This Republic does not wish to disturb the tranquillity of the world. Its object is peace, its policy peace. It seeks no aggrandizement by foreign conquest, because it knows that no foreign acquisition could augment its power and importance so rapidly as they are already advancing by its own natural growth under the propitious circumstances of its situation. But it cannot admit that its Government has not both the will and the power to preserve its own neutrality, and to enforce the observance of its own laws upon its own citizens. It is jealous of its rights, and among others and most especially, of the right of the absolute immunity of its territory against aggression from abroad; and these rights it is the duty and the determination of this Government fully and at all times to maintain; while it will, at the same time, as scrupulously refrain from infringing on the rights of others.

The President instructs the undersigned to say, in conclusion, that he confidently trusts that this and all other questions of difference between the two Governments will be treated by both in the full exercise of such a spirit of candor, justice, and mutual respect, as shall give assurance of the long continuance of peace between the two countries.

The undersigned avails himself of this opportunity to assure Mr. Fox of his high consideration. DANIEL WEBSTER.

HENRY S. FOX, Esq., &c. &c. &c.

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*Copy of Instructions to Mr. Crittenden, enclosed in the above.*

DEPARTMENT OF STATE,

Washington, March 15, 1841.

SIR: Alexander McLeod, a Canadian subject of Her Britannic Majesty, is now imprisoned at Lockport, in the State of New York, under an indictment for murder, alleged to have been committed by him in the attack on and destruction of the steamboat Caroline, at Schlosser, in that State, on the night of the 29th of December, 1837, and his trial is expected to take place at Lockport on the 22d instant.

You are apprised of the correspondence which took place between Mr. Forsyth, late Secretary of State, and Mr. Fox, Her Britannic Majesty's Minister here, on this subject, in December last.

In his note to Mr. Fox of the 26th of that month, Mr. Forsyth says: "If the destruction of the Caroline was a public act of persons in Her Majesty's service, obeying the order of their superior authorities, this fact has not been before communicated to the Government of the United States by a person authorized to make the admission, and it will be for the Court which has taken cognizance of the offence with

which Mr. McLeod is charged, to decide upon its validity when legally established before it.

"The President deems this to be a proper occasion to remind the Government of Her Britannic Majesty that the case of the Caroline has been long since brought to the attention of Her Majesty's principal Secretary of State for Foreign Affairs, who, up to this day, has not communicated its decision thereupon. It is hoped that the Government of Her Majesty will perceive the importance of no longer leaving the Government of the United States uninformed of its views and intentions upon a subject which has naturally produced much exasperation, and which has led to such grave consequences."

I have now to inform you that Mr. Fox has addressed a note to this Department, under date of the 12th instant, in which, under the immediate instruction and direction of his Government, he demands, formally and officially, McLeod's immediate release, on the ground that the transaction, on account of which he has been arrested and is to be put upon his trial, was of a public character, planned and executed by the persons duly empowered by Her Majesty's colonial authorities to take any steps, and to do any acts, which might be necessary for the defence of Her Majesty's territories, and for the protection of Her Majesty's subjects; and that consequently those subjects of Her Majesty who engaged in that transaction, were performing an act of public duty, for which they cannot be made personally and individually answerable to the laws and tribunals of any foreign country: and that Her Majesty's Government has further directed Mr. Fox to make known to the Government of the United States that Her Majesty's Government entirely approve of the course pursued by Mr. Fox, and the language adopted by him in the correspondence above mentioned.

There is, therefore, now, an authentic declaration on the part of the British Government that the attack on the Caroline was an act of public force, done by military men, under the orders of their superiors, and is recognized as such by the Queen's Government. The importance of this declaration is not to be doubted, and the President is of opinion that it calls upon him for the performance of a high duty. That an individual forming part of a public force, and acting under the authority of his Government, is not to be held answerable, as a private trespasser or malefactor, is a principle of public law, sanctioned by the usages of all civilized nations, and which the Government of the United States has no inclination to dispute. This has no connexion whatever with the question whether, in this case, the attack on the Caroline was, as the British Government think it, a justifiable employment of force for the purpose of defending the British territory from unprovoked attack, or whether it was a most unjustifiable invasion, in time of peace, of the territory of the United States, as this Government has regarded it. The two questions are essentially different; and, while acknowledging that an individual may claim immunity from the consequences of acts done by him, showing that he acted under national authority; this Government is not to be under-

stood as changing the opinions which it has heretofore expressed in regard to the real nature of the transaction which resulted in the destruction of the Caroline. That subject it is not necessary, for any purpose connected with this communication, to discuss. The views of this Government in relation to it are known to that of England; and we are expecting the answer of that Government to the communication which has been made to it.

All that is intended to be said at present, is, that since the attack on the Caroline is avowed as a national act which may justify reprisals, or even general war, if the Government of the United States, in the judgment which it shall form of the transaction, and of its own duty, should see fit so to decide, yet that it raises a question entirely public and political, a question between independent nations, and that individuals concerned in it cannot be arrested and tried before the ordinary tribunals, as for the violation of municipal law. If the attack on the Caroline was unjustifiable, as this Government has asserted, the law which has been violated is the law of nations, and the redress which is to be sought is the redress authorized in such cases by the provisions of that code.

You are well aware that the President has no power to arrest the proceeding in the civil and criminal courts of the State of New York. If this indictment were pending in one of the courts of the United States, I am directed to say that the President, upon the receipt of Mr. Fox's last communication, would have immediately directed a *nolle prosequi* to be entered.

Whether, in this case, the Governor of New York have that power, or if he have, whether he would feel it his duty to exercise it, are points upon which we are not informed.

It is understood that McLeod is helden also on civil process, sued out against him by the owner of the Caroline. We suppose it very clear that the Executive of the State cannot interfere with such a process; and, indeed, if such process were pending in the Courts of the United States, the President could not arrest it. In such and many analogous cases, the party prosecuted or sued must avail himself of his exemption or defence by judicial proceedings, either in the Court to which he is called, or in some other court. But whether the process be criminal or civil, the fact of having acted under public authority, and in obedience to the orders of lawful superiors, must be regarded as a valid defence, otherwise individuals would be helden responsible for injuries resulting from the acts of Government, and even from the operation of public war.

You will be furnished with a copy of this instruction for the use of the Executive of New York and the Attorney General of that State. You will carry with you, also, authentic evidence of the recognition by the British Government of the destruction of the Caroline as an act of public force done by national authority.

The President is impressed with the propriety of transferring the trial from the scene of the principal excitement to some other and distant county. You will take care that this be suggested to the

prisoner's counsel. The President is gratified to learn that the Governor of New York has already directed that the trial take place before the Chief Justice of the State.

Having consulted with the Governor, you will proceed to Lockport, or wherever else the trial may be holden, and furnish the prisoner's counsel with the evidence of which you will be in possession material to his defence. You will see that he have skilful and eminent counsel, if such be not already retained; and, although you are not desired to act as counsel yourself, you will cause it to be signified to him, and to the gentleman who may conduct his defence, that it is the wish of the Government that, in case his defence be overruled by the court in which he shall be tried, proper steps be taken immediately for removing the cause, by writ of error, to the Supreme Court of the United States.

The President hopes you will use such despatch as to make your arrival at the place of trial sure before the trial comes on; and he trusts you will keep him informed of whatever occurs by means of a correspondence through this Department.

I have the honor to be, Mr. Attorney General, your obedient servant,

DANIEL WEBSTER.

Hon. JOHN J. CRITTENDEN,

*Attorney General of the United States.*

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## ARTICLE IX.

For a period of many years it has been known to the public that a scientific traveller, Dr. Siebold, had obtained access to this country, under the patronage of the Dutch government, and during a long residence at Nangasaki, with opportunities of inquiry which had never before been enjoyed by an European, was preparing to give some precise and authentic knowledge of that country. The curiosity which was excited by this knowledge has been kept long in suspense. The expected publication of Dr. Siebold has been delayed, by causes which have not been fully explained. Successive disappointments had led us to apprehend that the work would never appear. More than ten years ago the following letters from Dr. Siebold were published, which gave some idea of the nature of his inquiries, and of the difficulties under which they were prosecuted.

*Extract of a letter from Dr. Siebold to the Lieut. Governor General of the Netherland Indies, at Batavia, from a copy inclosed to the Baron de Capellen.*

DEZIMA, Feb. 15, 1829.

During my residence at Jèdo, the Imperial Astronomer and Librarian, Fakahasi-Sakusaimon, promised to procure me a copy of the maps of the empire of Japan constructed within the ten years past, by order of the emperor, according to the European method. I received them at the end of the year 1826, and in the spring of 1827, accompanied by some other interesting works concerning Kraffo Tartary and the Archipelago of Linkin. In the meantime, by the aid of interpreters, I held a continued correspondence with this friend of the European sciences. I now proceed to state the origin of the failure of all my efforts, and of the disappointment of my hope of enriching Europe with new information concerning Japan.

A personal difference arose between the astronomer and one of the draftsmen intrusted with the copies of the maps which were to be sent to me, and a severe provocation received from the astronomer induced the draftsman to revenge himself upon his chief by accusing him of delivering to a stranger copies of the imperial maps—a thing which is absolutely forbidden by the Japanese laws. The government listened to this accusation, the consequences of which were equally disastrous to the astronomer, to all those who had assisted me on this occasion, and to me. The astronomer, his servants, the interpreters, several of my pupils, and other Japanese, for having been concerned in this affair, were imprisoned, while the government went through a strict investigation of it. On the 19th of December, 1828, I was notified that I must return to the government the geographical maps obtained, and as I hesitated to obey this order, they proceeded to a domiciliary visit, which this time had less disagreeable consequences to me than to those who had been useful to me on this occasion.

Having been intrusted by the government of the Netherland Indies, in virtue of an order dated April 19, 1825, to make all possible researches upon the religion, the geography, the government, &c. of the Japanese empire, I had employed, during a residence of five years, my private fortune in collecting all the objects necessary for this knowledge; so that before this unfortunate event I had in my possession a complete collection of Japanese rarities, which were valued at 20,000 florins, and which were destined for the museum of His Majesty, hoping to have the honor of doing myself that homage. I had thus acquired a great number of works of literature and the sciences. During four months I had eluded the demand of the Japanese government, and endeavoring not to displease them entirely, I had found means of preserving the most interesting parts of my collections, hoping always to withdraw them from their inquisitorial vigilance, when, on the 20th of January last, this hope was entirely destroyed, the chief of the Dutch factory having received a formal prohibition to permit

my departure, before the termination of the investigation which was begun.

The Japanese government has from the commencement of this affair made every endeavor to discover the political object which they suppose to exist for the acquisition of these maps. I received an order to hold myself under arrest at my house on the 19th of December last, while the interpreters whom I had employed, my pupils, my painter, my domestics, and in fine all those who had had the least relation with me, were subjected to an imprisonment more or less rigorous. Thus, while my fellow-laborers were summoned to appear several times before the examining officers, I was summoned to designate those who had conspired with me, and it was with so much the more rigor that they insisted on this, that the papers of my correspondence with the astronomer being seized, the government concurred that they had discovered new matter of suspicion against me.

As the consequences of this affair are not only such as to cause me to lose the fruit of my labors, but as to threaten the lives of several persons, I came to the resolution to acknowledge the truth concerning the maps, and other collections, protesting my only object, which was to extend my simple knowledge, to collect all interesting objects in a museum, and to return all which it would be impossible for me to preserve. I hoped thus to remove suspicions, preserving at the same time some precious documents, of which they had no knowledge, and which would have compromised other persons not yet suspected. I studiously avoided making our government appear to be interested in my scientific mission, but my design is to make the Japanese perceive that my researches in natural history, medicine, and the physical sciences, may be useful to them as well as to us.

As all which has happened could not have been foreseen, I flatter myself that your Excellency will approve my conduct, and will inform the chief of our factory of the most advantageous manner of terminating this most unfortunate affair, so that my mission may not be totally fruitless to science.

*Extract of a letter from Dr. Siebold to the Baron de Capellen, late Governor General of the East Indies.*

DEZIMA, Feb. 18, 1829.

I had proposed to address to your Excellency this year on my return to Batavia, an ample detail of my scientific researches in the Japanese Archipelago, but alas, at the moment of embarking with all the geographical riches acquired with immense difficulties, an unfortunate accident has occurred, to destroy all my hope of being able to enrich Europe.

I cannot better give the details of my disaster, than by sending to your Excellency a copy of my letter addressed the 15th inst. to the Netherland government at Batavia. In this despatch your Excellency will perceive the result of all which has hitherto happened to me.

As unfortunate as my situation is, I can nevertheless give your Excellency a piece of news which consoles me in part; it is, that all the objects collected for natural history, packed in 89 cases, have happily arrived on board the vessel *Cornelis Houtman*, Capt. de Song.

By my love for the progress of the sciences, your Excellency may be assured that I will make all the efforts possible, that my voyage in these countries may not be entirely fruitless, and may still have at least some useful results. In case I should sink under my enterprise, I have but one subject of inquietude. It is the impossibility of being the support of a mother advanced in age. I take therefore the liberty to recommend her to the high protection of your Excellency. Relieved from disquietude in this respect, I shall await with firmness the decision of my fate.

Since the date of the above letters, we have had occasional information of the movements of Dr. Siebold, but at long intervals, and with very imperfect details, barely sufficient to keep alive the curiosity which had been excited in his favor. He has at length arrived in Europe, and his long expected work, or a part of it, has been published. The work itself has not reached us. An edition in French is in progress of publication in Paris, and we translate the following notice of the first volume of it from the *Nouvelles Annales des Voyages*. We hope shortly to be able to give some more full and satisfactory account of it.

*Voyage to Japan, performed between the years 1823 and 1830, or a physical, geographical and historical description of the Japanese Empire.* By M. Siebold. Published in French by Messrs. de Moutry and Braissenet. Paris: Arthus Bertrand, Svo.—1 vol.

That country forms a singular anomaly, which has succeeded until the present day, in keeping itself a stranger to the whole world, and isolating itself in such a manner, that Europeans are as utterly ignorant of what is passing there, as if it were situated in one of the planets. But what is more singular is, that during more than one century this same country kept up constant intercourse with Europe, that its sovereigns sent there the first ambassadors, who visited those distant countries in the east, and that it is perhaps the only one of those countries where the Christian religion ever made any considerable progress among the educated classes. The Japanese have never shown the stiffness of the Chinese in repulsing foreign improvements. Even at the present day, their literary men, especially their physicians and naturalists, neglect no occasion to instruct themselves in the European sciences, and study the Dutch language, the only one to which they have access, in order to perfect their knowledge.

With these communicative dispositions, on the part of the nation, how has its government succeeded in keeping it in the most complete isolation? How has this government itself been able to preserve, for

more than two centuries the same inflexibility ? I own that I cannot explain it to myself. However indiscreet may have been the zeal of the missionaries, whatever broils they may have caused, it would seem as if so long a space of time would have weakened, if it did not efface the remembrance of the civil wars which were the fruits of their proselytism. Meantime the successive efforts of the English, the Russians, and the Americans, to establish communications, have been useless, and two hundred years of prudence and moderation have not released the Hollanders from a single one of those humiliating precautions, which the Japanese thought necessary to take, with regard to them, at the time of the expulsion of other nations.

At the end of the last war, the Dutch government resolved to renew the relations which had been for several years interrupted, and to endeavor to extend them as much as possible. M. Siebold was chosen to accompany the embassy as a naturalist, and a physician ; the result of his labors proves that it would have been difficult to have made a better selection.

Colonel Sturber, who was appointed head of the Dutch establishment at Japan, went at first to Batavia. It is generally in the month of June that persons intending to go to Japan quit that city, in order to profit by the southeastern monsoon, which usually prevails at that period of the year. But the departure of the expedition was delayed a little, by the necessary preparations, and it did not sail until the 28th of June, and on the 4th of July it entered the bay of Banca.

This island derives its principal importance from its tin mines, which were not discovered until 1710, and then, in consequence of a fire which melted some small quantities of it. The Sultan of Palembang at that time began some works, and engaged a great number of Chinese families to come and establish themselves there. At first they took these mines on leases, but afterward the Sultan decided to regulate them on his own account. His agents called *Tykes* enjoyed an almost unlimited power, even to the right of life and death over the Chinese, without the latter being able to appeal to the Sultan. The product of these mines is so considerable, that in the year 1823, it did not amount to less than 3,382,317 pounds.

The seventh of July the navigators again set sail, and on the 27th they saw the isle of Formosa, which formerly belonged to Holland, and which was taken from them in 1662, by the Chinese pirate Coxinga. They continued their voyage without stopping there, and on the 5th they met a Japanese junk overturned on the side, and saved the crew, who were in the utmost danger. But the Japanese laws punish so severely all communication with strangers, that they were forced, at the earnest prayer of the captain, to pierce a hole in the hold of this junk to sink it, for if by chance it had been thrown on any point of the Japanese coast, the captain would never have been able to justify himself for having taken refuge on board a foreign vessel.

The 9th of August, the vessel arrived off Nangasaki ; though they had taken care to hoist the Dutch flag, they were not permitted to en-

ter the port, until they had obtained permission. Some Japanese officers came on board, and brought some papers from the head of the Dutch commerce at Dezima; these papers contained general questions respecting the name of the vessel and the captain, as well as the number and quality of the persons who were on board. We hoisted immediately our flag of intelligence, which had been given us at Batavia, with particular instructions respecting the anchorage on the Japan coast. When we had turned the northern point of the isle of Swo-Sima, several officers and Japanese interpreters came on board to receive our papers, and some persons as hostages. They announced to us that an officer of high rank, bearing the title of *banjost*, and some messengers from the factory, were coming to visit us. Since the celebrated adventure of the British ship of war Phæton, in 1808, the government takes the precaution, before the Japanese officers and the Dutch from the factory board the ship, to demand hostages, and conduct them to Dezima, so that since this epoch, the Dutch vessels can no longer enter immediately the port of Nangasaki, but are obliged to remain at anchor during some time in the bay near the isle of Takaboko (Papenberg) under the eye of the imperial guards.

Toward noon arrived the *goban josi*, or envoy of the imperial guard. He was accompanied by several interpreters, who put our author into great embarrassment, for he spoke the Dutch language with difficulty. It is known that the Swedish naturalist Thunberg had experienced the same difficulty. M. Siebold however succeeded in getting admitted, by persuading them that he belonged to a district of Holland, where a different dialect was spoken.

The wind was so adverse that, though towed by a number of barks, the author thinks several hundred, the vessel could not enter the port the same evening, and was obliged to cast anchor at twenty-nine fathoms deep. While the Dutch vessels are not in port, they are treated as if they were at war; all the garrisons of the forts in the bay, are under arms, the corps de garde, the batteries, and a multitude of small vessels are covered with flags, banners, arms, and military ensigns, and are illuminated during the night. When the wind is unfavorable, these demonstrations last several days, and occasion the government considerable expense. Thus it is perfectly useless for captains to press the Japanese, when the latter tow them into port, for it is their own interest to conduct them promptly to their destination.

Several months before the arrival of the Dutch vessels, they place on the Cape Nomo, on the mountain near the city, fishermen, called Ko-se-to, and on a height near Nangasaki, sentinels who watch for the arrival of foreign vessels. As soon as a sail is perceived from the height of the Cape Nomo, the news is carried to Dezima. They also take measures to give, in case of need, signals with rockets from the tops of the mountains in the interior.

The numerous batteries from the islands and from the shores of the bay are for the most part directed towards the entrance of the basin, and the entrance itself is again defended by strong batteries, raised on the two sides, as well as by a considerable garrison composed of

troops which bear the name of imperial guards. This passage is 458 metres in its greatest width, and 150 only in the most narrow place; a chain is always kept ready to bar it in case of necessity. This disposition is little known, because it is kept secret; the fact is however certain, and the chain is kept in the magazine of the navy called *Ofuna-Kura*."

We have extracted this passage almost entire, because it shows the minute precautions which are observed by the Japanese with regard to the Europeans. The navigators were still more surprised at seeing arrive on board, as soon as they had thrown anchor before *Dezima*, the Chevalier Cock Blomhoff, chief of the Dutch commerce. This dignitary, and the persons of his suite wear the ancient Dutch costume, which has fallen into disuse for ages, but which could not be abandoned in Japan without exciting the suspicions of the government of that country, who would have thought the least change of costume made them a new nation. A coat of embroidered velvet, a mantle of black velvet, a hat with plumes, a sword, and golden-headed cane, nothing was wanting. One might have thought he saw the portraits of *Rembrandt*, or *Van Dyk* descending from their frames, and nothing could be better calculated to show the complete immobility to which this singular country has condemned itself in the midst of universal movement.

The island of *Dezima*, where the Dutch factory is established, was artificially constructed with the earth of a hill which was found near the spot, and which was levelled for that purpose; it is protected by a quay of basalt which protects it against the water, and even at high tide it is raised six feet above the level of the sea. Its length is about 600 feet, and its width 200. At the south and west it looks out on the sea, on the north and east, it faces the city of *Nangasaki*, from which it is separated by a canal of little width, and with which it communicates by means of a stone bridge, and a gate which is always guarded. It is on this narrow spot that are found the Dutch workmen, their magazines, and some other edifices, which form a considerably large street. This establishment at first belonged to the Portuguese, but when they were completely expelled from the empire, they gave it up to the Dutch, who were obliged to destroy the one they had possessed at *Firato*,—it being the intention of the emperor to concentrate at *Nangasaki* all the commerce of Japan.

It was with great difficulty that they gained sufficient favor to prevent being expelled from this last asylum. There is no sort of vexation and humiliation that they have not been made to suffer by the Japanese authorities. But the desire of preserving a vast monopoly makes them bear every thing. It is as humble solicitors, without suite, and without honors, that their ambassadors are admitted at *Jeddo*; their presents are only received as a tribute by which they purchase the permission to come to Japan.

This embassy was formerly sent every year, but in 1790, it was decided that it should not take place except once in four years, and that in the interval, the presents should be carried annually to the court by

the interpreters. When the embassy makes its visit, the head of the factory is allowed to take with him but two Europeans, a secretary and a physician. The journey is regulated with the greatest exactness, and in successive days, without their being allowed to change any thing. The Japanese kept up such a strict guard over them that the ambassadors were not allowed to abstain from visiting certain curiosities which have been shown them from time immemorial. The Japanese officer who was employed to conduct them, carried with him the journals of the route taken by his predecessors, and had recourse to it, when the smallest difficulty arose. M. Siebold thinks, however, that by a slow and skilful course of management, it would be possible, by means of pecuniary sacrifices, to obtain great facilities. Unfortunately, it is not to be hoped that a company of merchants will consent to make very great advances to obtain scientific and literary results that cannot be carried on their books, to the account of profit.

The medical knowledge of our traveller had procured him numerous friends, as well as the means of studying thoroughly, before setting out on the journey, the manners and customs of the country. When the embassy started, he was perfectly prepared to take every advantage of the journey.

Thanks to the custom which obliges the princes to pass alternately six months in the capital, and six in the provinces, and thanks to the numerous places of pilgrimage which are visited by the inhabitants of the most distant provinces of the empire, Japan is a country which is travelled over with great ease. Carriages are not however made use of there: the most common means of transportation is the Nosimono, a species of palanquin, to which Europeans find it hard to accommodate themselves, because they are obliged to keep their legs crossed in it. There are at regular distances post houses, where relays of bearers and beasts of burden are found, but as a single prince employs often hundreds of men and animals, the post house is only the place where travellers procure, under the inspection of the authorities, and with exactness, the means of continuing their journey. There is also a letter post which leaves the principal cities at a fixed day. Upon important occasions, mercantile houses send especial couriers, those houses particularly which deal in rice and dried fish, commodities on which they sport in Japan as they do in Europe on cabbages or the 3 per cents. Signal fires placed at the tops of the highest mountains give notice to the government if any important event occurs.

We defer to a second article the relation of the journey to Jeddo, of which the translators have published but a small part, and we terminate the present notice by the description of Nangasaki, one of the five important cities, and the only port which strangers are allowed to visit.

Nangasaki is situated in 32 deg. 45 min. north latitude, and 127 deg. 31 min. 30 sec. east longitude. In 1826, it had 29,127 inhabitants, independent of the soldiery. Persons in the employment of the Siogun and the princes, priests and monks form beside a total of

nearly 6,000 souls. The city and its dependencies contain 92 streets 11,451 houses; 62 temples and Budhist cloisters, a great religious edifice, and five small chapels for the worship of Camis. It is the residence of a governor, who is relieved by his colleague, who represents the city at Jeddo, every other year; a superintendent of the domains of Siogun, a commandant, two mayors, a *chamber of money*, placed over the foreign commerce, a college of interpreters for the Dutch, the Chinese, and the Coreen. It contains two government palaces, those of the princes of Fizen and of Tzikuzen, who furnish alternately the garrison for the port, the offices of Charges d'Affaires of the princes of Satsuma, Tsasima and some other provinces of Kuisin, a Dutch factory in the artificial island of Dezima, and a Chinese factory called Tzo-Sin-Jasiki, forming the southern suburb. A prison, a house for the insane, public magazines, an arsenal, a Funa-cura, or open yard for the protection of ships of war, a botanic garden, several theatres, a great number of tea houses, and other public places frequented by crowds of dancers and musicians. A vigorous commerce is kept up, and great industry displayed; there is a porcelain manufactory, breweries of rice-beer, medicines, spices, shops of cotton and silk goods, Chinese magazines, and various trifling articles.

This city, the only link between Japan and foreign countries, is constantly visited by merchants, the learned men and idlers from all points of the empire, and its port is filled with national vessels. We cannot quit this work without praising the translators for their easy and elegant style. We should prefer however to see the original a little abridged, when, as is sometimes the case, the same thing is two or three times repeated.

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## MISCELLANY.

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THE WINGS OF ICARUS,

*Or, the Provincial in Paris.*

(Concluded from page 174)

## CHAP. XVIII—AND LAST.

Among the unexpected accidents which make a man, even one in the highest degree master of himself, lose his self-possession, the most formidable that can happen to a lover on his knees before his mistress must certainly be the sudden entrance of the husband. At sight of M. Piard, who seemed petrified with surprise and anger, the substitute on

his side felt an extraordinary emotion. He arose precipitately, made two steps back, and taking a book from the table, opened it, from one of those silly inspirations, which in such a case are generally the first to present themselves. Having taken this position, he awaited with a confused air and a beating heart, the shock of conjugal thunder.

The thunder did not strike; a single glance from the eye of Mad. Piard made the storm subside, which was ready to burst from the lips of her husband. Fascinated by this powerful look, the counsellor of state remained a moment at the entrance of the saloon; he finally overcame this weakness, and approached the fire-place, endeavoring to give to his wrinkled brow an Olympian majesty capable of imposing respect on Isaura, if she were innocent, and terror if she were guilty.

"Will you explain to me, Madame, what is the meaning of this scene?" said he, in a sulky voice, and affecting disdainfully, to turn his back on Deslandes.

Madame Piard threw from her husband to her lover a searching look, which entered the hearts of the two men, and laid bare every fibre. She found them both equally deserving her scorn, without being able to decide which seemed to her most detestable, the ridiculous countenance of the substitute, or the effort of the counsellor of state to give himself the air of a tyrant. Between this schoolboy awkwardness, and this Blue Beard jealousy, she found herself so perfectly calm, firm and indifferent, that she felt a secret satisfaction in enjoying her superiority. Instead of giving an immediate answer, she remained for a moment collected in her pride, her head fixed in a dignified position, with a haughty glance in her eye, and a smile on her lips. When at last she was pleased to speak, she inclined her head with a movement of admirable disdain, as if her husband had been too small for her to see him, without stooping.

"You ask me for an explanation? I will give you one," said she to him, in a tone in which it would have been impossible to discover any other emotion than that of a triumphant irony. "You just discovered M. Deslandes on his knees, and from this pantomime, which cannot be very strange to you, you conclude, undoubtedly, that there was a declaration of love going on. You do not deceive yourself. At the moment you came in, with a suddenness, of which I hope you will not acquire a habit, I was listening to a declaration, which was as clear as it was elegantly expressed."

Is she insane, thought Deslandes, on whom M. Piard threw a furious glance.

"I will not repeat to you all the pretty things which have been said to me," continued Isaura, in the same tone, "they would lose too much in passing through my mouth, and the detail would be long. But as every well-arranged discourse can be summed up in one phrase, I can, neglecting the accessories, give you the principal fact. M. Deslandes wishes to have my miniature; do you think I ought to give it to him? Since you are here, I am very glad to ask your opinion."

"Madame, it is impossible that you can be talking seriously," cried the counsellor of state, while the substitute bit his lips till they bled.

"I do not say a word which is not true," replied Mad. Piard, pretending to be surprised that her word should be doubted: "if you do not believe me, ask M. Deslandes; I am very sure he will not contradict me."

The two men looked at each other like two buffaloes, ready to take each other by the horns, but neither opened his mouth, overpowered as they were by the ridiculous part which was imposed upon them, and not seeing any means of changing their position. The disturbed face of the counsellor of state did not restore tranquillity to that of Deslandes, but on examining the countenance of the substitute, M. Piard began to take courage.

I was wrong to be afraid, said he to himself; this little provincial is too much disconcerted to allow any reasonable fear that he can be dangerous. It is evident that my wife is making sport of him, and undoubtedly to make the thing more amusing, she desires that I should take part in it.

"Since the gentleman wishes to have your miniature," said he to her with a sneering, affected air, "I do not see why you should refuse it. Only, and to show M. Deslandes the interest which I take in him, I should wish to participate in some manner in this gift, and give it to him myself. In receiving your picture from my hands, he will have a double proof of the sentiments he has inspired us with."

"The plan seems to me to be fraught with propriety and delicacy," said Isaura, with imperturbable sang froid. "It must be executed immediately. Here is my miniature, I hope M. Deslandes will be so good as to put himself on his knees to receive it."

With a slow and grave gesture, Madame Piard offered her husband the picture which she had just received from the substitute. On recognizing the miniature which he had left, against his will, in the hands of Madame Marmancourt, the counsellor of state blushed deeply, and suddenly had the appearance of decreasing three or four inches in height. It seemed as if, to hide himself the sooner from the eyes of his wife, he endeavored, by shrinking into himself, to make his way through the floor.

Good, thought Deslandes; all she has previously said was only to bring about this scene. What matters it if I have been a little scratched, since he has received the ball directly in his bosom.

Mad. Piard enjoyed for a moment the consternation of her husband, and seemed to remark maliciously the hope which sparkled in the eyes of the substitute. Exercising afterward, with a vigor altogether feminine, the empire which such a scene gave her over the two, she resumed her speech with one of those domineering accents, which permits those who listen neither to interrupt nor reply.

"Sir," said she coldly to Deslandes, "one word first with you. Permit me to repeat to you, before my husband, what I said to you in his absence. The prolongation of your stay in Paris appears to me prejudicial to your interests, for it exposes you to lose the place you hold, without offering you any chance to obtain a new one. This is disinterested advice; and here is a second piece, which is not less so.

The scene which has just taken place will henceforth deprive me of the pleasure of seeing you. I have the weakness of not being able to endure to see a man on his knees elsewhere than at church; it is a very ridiculous weakness, undoubtedly, but I cannot get over it, and I will thank you to respect it. You just told me, that on condition of receiving a mark of remembrance, you would submit to what you called your exile. You see, that I have just put my miniature for this purpose into the hands of M. Piard; you must therefore address yourself to him. He may give it to you: I have no objection."

Having said all to the substitute, who lost all countenance at this inexorable language, Mad. Piard turned toward her husband.

"I desire," said she with redoubled gravity, "that between us there should never be made the least allusion to the past. I make you no reproaches, and I dispense with your making any justification of your conduct. Whatever this may have been, be sure that it will have no influence over mine. I know my duties, and I shall know how to fulfil them, whether it pleases you to forget yours or not. I have always thought, that one should be virtuous for virtue's sake, and without expecting on earth any reward for his honesty. Clinging to this simple principle, a woman is very strong, sir, strong against seduction, and strong against outrage; she repulses one with disdain, and the purity of her conscience gives her the right to despise the other."

By a double glance, to which the severe brilliancy of her eyes, as black as those of a Spanish lady, gave an expression as radiant as it was energetic, Madame Piard threw according to their address the two darts of her last phrase, disdain to the lover, and scorn to the husband. She then with a firm step and majestic air left the apartment.

After her departure, the counsellor of state and Deslandes remained for a moment immovable, facing each other, like men stupefied by a thunderbolt, and who still listen, though it rolls no longer. M. Piard first recovered his speech.

"Sir," said he to the substitute, looking at him with an anger which he could scarcely contain, "one person only could have given this miniature to my wife, and this person was you!"

"It was myself, sir; what would you say?" replied Deslandes, exasperated on his side by the definitive ruin of all his hopes.

"I say, sir, that it is an action unworthy a gentleman; if you were not wounded, you should give me a reason for this odious act."

"My wound need not restrain you; I have the left arm at your service!"

"What, sir, do you provoke me?"

"No, sir, but I reply to you."

"A substitute of instance! you forget that I am counsellor of state."

"You forget yourself that we are living in 1837, and that now all men are equal as it regards the duel."

"Recollect at least that you are in my house; I will not allow you to insult me here, sir, and I summon you to go out."

"And I summon you to follow me."

Deslandes quickly placed his hat on his head, and left the saloon, making a signal for the counsellor of state to follow him. After a moment of hesitation, M. Piard crossed the apartment, and they both went rapidly down stairs, without knowing very well where they were going. In the carriage-way they met M. de Loiselay, who had just got out of a fiacre, which was still standing in the street.

"What is the matter?" said the old gentleman, remarking the agitation of his son-in-law—"is Isaura ill?"

"No," replied M. Piard in a brutal tone, "I have an affair to settle with this gentleman."

"In that case, I will go with you," replied M. de Loiselay, who, from the singular air of the two men, divined that a quarrel had arisen between them.

At a signal from the old gentleman, the conductor of the fiacre opened the door of it, Deslandes and M. Piard got into the carriage, without saying a word.

"The Elysian Fields," said M. de Loiselay to the driver, after having taken a seat in the carriage.

"Here we can talk quietly," said he to them; "what is the matter?"

Though it was rather embarrassing for M. Piard to explain to his father-in-law the cause of his quarrel with the substitute, he began a recital, through which, in spite of concealments, extenuations, and other oratorical artifices, the truth was manifest. Deslandes, besides, who had less need of caution, took on himself to fill up gaps, to rectify mistakes, and exposed at last to the eyes of the old gentleman, and in a point of view sufficiently clear, the differences, which he had, of his own authority, evoked before his own tribunal.

"You are two children," said M. de Loiselay, when the inquiry was over; "my daughter has been laughing at you, and she has done right. You, Piard, of what do you complain? Of having found this young man at the feet of your wife. You ought, on the contrary, to thank him for having given you an occasion to appreciate the virtue of Isaura. Besides, in seeking to please, he was following his trade. The history of this miniature was a fair weapon of war against a fellow like you, who ought to blush at his own conduct, instead of blaming that of others. Recollect that you are much more happy than you deserve to be, and that in Isaura's place, many women would have taken ample vengeance of your follies. You, Deslandes, have not common sense, in wishing to fight my son-in-law, because my daughter has made herself gay at your expense. In such a case, when one does not succeed, he should withdraw, with as little awkwardness as he can, and try his fortune elsewhere; it is extravagant to ask a husband to give a reason for the cruelty of his wife. You are both reproved, endeavor to profit by the lesson; it is needless to add, that I shall not allow you to fight, since you are both magistrates. This is the decree I pronounce. The parties are put *hors de cause*, expenses paid. Now Piard, be so good as to leave us; I have something to say to Deslandes."

Instead of increasing the irritation of the antagonists, as often happens, the discussion had perceptibly calmed it. At the bottom, neither one nor the other, had an unmeasured desire to fight. Having got over the first stroke of vexation, which was great on both sides, they mutually reflected on the disadvantages of a duel, from which neither could expect any benefit. The admonition, cavalierly paternal, of M. de Loiselay, was effectual in restoring them to their usual pacific sentiments. They concluded by owning the inutility of their quarrel, and agreed to carry the matter no further, and then separated with a cold politeness, each retaining his anger.

"Now," said the father of Isaura, when he was alone with Deslandes, "now I must give you a reprimand. Before Piard I took your side, but between ourselves, I think it very audacious in you to have dared to pay your court to my daughter."

"Did you not advise me yourself to seek to please her?" replied the substitute, with a bitter sigh.

"There is more than one way of pleasing. I know the proverb, 'give an inch, and he will take an ell. But no matter, you abused my counsel. If, which is impossible, you had succeeded, I should, to be sure, have played a singular part. Happily, the reason of Isaura has prevented any danger. It seems, my poor Deslandes, that you have suffered a rude check. Now that you have quarrelled with my son-in-law and my daughter, what becomes of your projects?"

"My projects," repeated Deslandes, with the accent of profound discouragement; "I form only one, which is to get out of this infamous city, where there is nothing to be found, but egotists who make use of your talents, false friends who betray your confidence, coquettes who ruin you."

"Honest women who refuse to love you," interrupted M. de Loiselay, smiling; "in truth, Paris has become an abominable abode. In my time, under the Consulate, a young man might still find some means of making his fortune, but at this day I see the trade is good for nothing."

"If you speak of the trade of a place seeker, it is the most ungrateful, the most ridiculous, and the most repulsive, of any a man can choose on an unlucky day."

"Come, Deslandes, vexation and discouragement do no good, and we must come to a conclusion. What part do you mean to take? I return the day after to-morrow to D\*\*\*. Will you go with me?"

"Yes, if between here and there, I do not throw myself into the water," answered the substitute, in a dolorous tone.

If Deslandes had been seriously disposed to that bitter, idle and unhealthy melancholy into which so many young people, the victims of an ambition without energy, suffer themselves to fall, at the least check, the trial to which he had just been subjected might have formed an excellent pretence, not for his drowning himself; drowning is not practised a great deal—but for enrolling himself among misunderstood geniuses, and men of despised talents, the lamentable battalion of whom would have opened to him their ranks, and like any other

martyr to social indifference, he might have been able, by way of signaling his disgust, to let his hair grow long, dress badly, frequent the eating-houses, write in the penny papers, and become a republican. His natural and temperate honesty, the good education he had received, the rectitude of his judgment, which had been falsified but not destroyed by ambitious desires, arrested him on the borders of an abyss still more ridiculous than it is dangerous. After having revolted at his defeat, he understood the necessity of submitting to it, a proof of sense and spirit which always exalts a vanquished man.

Two days after, M. de Loiselay and Deslandes found themselves seated side by side in the diligence for D\*\*\*, their faces turned toward that humble city from whence the new Icarus had taken his flight, and to which he was sadly returning after having seen the wax of his wings melt away in the sun of Paris. The old gentleman took an affectionate interest in the melancholy of his travelling companion, and from an instinct of delicacy did not say a word to him of the success by which he had been himself attended, under the Consulate. As they became more and more distant from that city, where he had left the tomb of his ambition, and on which, in leaving it, he had pronounced the most terrible of anathemas, the substitute felt himself restored to a sort of content. From time to time he put his head out of the coach to look at the country, which displayed all the attractive serenity of a beautiful day in spring.

"We do not breathe such pure air as this, and see this delightful verdure in Paris," said he to the old gentleman, pointing out to him the tufted foliage of a little wood which bordered their road.

M. de Loiselay replied, affecting a disdainful smile:

"Paris, that place of mud, of noise and smoke! for my part I feel very happy to have got out of it, and I shall consider it a real festival to get back to my tranquil Penates. I feel disposed to beat you to-morrow at chess, in the most signal manner, little as you would agree to it. I should be willing to give you the castle instead of the knight, so much do I feel in the vein for it."

At this perspective of the pleasures which awaited him, the substitute heaved a sigh, instead of answering, and throwing his head back in the corner of the diligence, he pretended to go to sleep, that he might yield himself without distraction to his sad thoughts.

Towards evening, as they approached D\*\*\*, and at the sight of the posts which marked the limits of the city, Deslandes felt his dejection increase.

Here is my tomb, thought he; I must then re-enter it and abandon myself anew to all those gnawing worms to which a monotonous and niggardly existence gives birth! Oh Paris, I believe that if ever the Cossack horses return to quench their thirst in the Seine, I shall clap my hands from the bottom of the ditch to which I am descending.

On re-entering his modest apartment, the substitute received, with a mixture of impatience and roughness, the attentive cares of the old housekeeper, who thought that the visit to Paris had spoiled her mas-

ter. He went to bed without feeling any desire for supper, found his bed detestable, though it was in reality much better than the one he had made use of for some weeks past, and not being able to sleep, he got up. After having paced up and down his chamber for some moments, he opened the window, and remained awhile leaning out of it. The night was one of charming sweetness. The transparency of the air made the dark azure of the heavens altogether perceptible. The sky was dressed in all its stars, as a queen puts on all her diamonds, on a day of ceremony. The pure rays of the moon lightened softly the black cathedral. In the midst of this sea of light, the statue in bronze appeared to great advantage, and glittered gloriously on its pedestal. The fountain gave out its freshest murmur, from time to time a feeble breeze sighed through the lime trees, whose flowers were then exhaling a most penetrating perfume, and all these objects, the starry heavens, the gothic edifice, the gushing waters, the odoriferous trees, formed a melodious concert which seemed to rejoice at the return of the prodigal son, and to say to him with an accent of tender reproach—*Ungrateful man, why did you leave us?*

Deslandes did not remain insensible to this spectacle, and by degrees he felt an emanation of the universal serenity with which he was surrounded, enter his soul.

Nature is beautiful, thought he, and her charms have nothing deceitful. Those who love her are not exposed to the mortal delusions which in society spring up at every step. In view of this imposing sky, how do the loftiest palaces of ambition sink down, how frivolous do the vexations appear, which but a moment since seemed so serious.

After having meditated for some time on the vanity of earthly good, the substitute went to bed, and did not sleep much better than he did before.

The next day Deslandes returned to his tribunal, and resumed his employment. He tried to support with philosophy the little jokes of the other magistrates, who, without knowing the details of his journey, suspected that the motive of it was a demand for advancement which had not been successful. He took care especially to attribute the wound on his hand to a fall from a carriage, for he could not have avowed the real cause of it without being severely blamed by all his coadjutors, for the magistracy has almost as much horror of blood, as the church.

While Deslandes attached himself anew and against his will, to judicial labor, which he irreverently called his plough, and began to retrace the narrow and monotonous furrow which he had hoped never again to enter, M. de Loiselay pursued with activity a design which in conscience he thought it his duty to bring about.

It is I, said he to himself, who have in part caused the misfortunes of this poor Deslandes. Since I could not give him the tact which he needs, I really did wrong to advise him to go to Paris, where, like a schoolboy, he has made a fool of himself. I must certainly repair all this by marrying him properly.

One of the first Sundays after their return to D\*\*\*, the old gentleman and the substitute left the cathedral in company, (in the provinces it is usual for a considerable number of men to attend church.)

"Look at Mademoiselle Bescherin," said M. de Loiselay, suddenly, to his companion, jogging him, at the same time, with his elbow, and pointing to the young lady who was walking at a few steps distance, with her mother.

Notwithstanding the antipathy which he had heretofore felt toward the young heiress, Deslandes cast toward her a look of curiosity in which even a species of interest might have been discovered. In her mourning dress, he found her less ugly, and of a better figure than before his journey.

"She is grown fat, and her complexion is prettier, it seems to me," said he to the old gentleman, with an approving air.

"That is to say, she is formed like an angel," said M. de Loiselay, warmly, "and her complexion I am sure is the union of the lily and the rose."

Deslandes made some impertinent joke on the beauty of the damsel, in reply to the warmth of his old friend.

"Hold your tongue, you calumniator, respect your future wife, for do you see, my dear Deslandes, she must be your wife. I have resolved upon this, and do you be sure that you cannot do better. Come, let us see. Are you willing I should speak to the President?"

Deslandes turned the proposal into a joke, then he discussed it, and though he still eluded answering it, he finished by reflecting seriously upon it. At last he acknowledged that in his position it would be nothing less than foolish trifling if he despised a marriage, the advantages of which were real, and that it would be an action which in later times he might see cause to regret.

If I loved any other woman, I would certainly retain my liberty, said he to himself, but can the sentiment which I felt for Mad. Piard be called love? The heart had nothing to do with it, and therefore why should I longer defer the time of marriage. The ennui which I feel, and which I attribute to living in the country, is perhaps only caused by having lived a bachelor too long.

When by any concurrence of deceptions, accidents and catastrophes, a bachelor comes to reasoning in this way, it is safe to bet that he will marry in the course of the year. When M. de Loiselay returned to the charge some days later, he found a notable change in the sentiments of the substitute, who, with the air of a man who yields to importunity which he can no longer resist, finished, by saying to him :

"Oh, well, since you will have it so, marry me, I consent to it."

The old emigrant profited without delay by the full power which he had now obtained. Though the insolvability of Blondel and the expenses of the journey to Paris, had diminished the property of Deslandes, by twenty thousand francs, and the dowry of Mademoiselle Bescherin on the other hand had increased threefold, thanks to the decease of her uncle, the vicar general, the two fortunes offered too

little inequality for the president, who had desired to see his daughter married, to refuse a proposal which he had invited some time before. Mademoiselle Bescherin, who had no more attachment to a single life than is becoming in a young lady, and who did not dislike Deslandes, gave her consent with a very good grace. The only fault she found with her future husband, was his mutilated finger, which she remarked, not without vexation, one evening, when he was playing on the violin, at a concert given by M. de Loiselay, in the course of the matrimonial negotiations. The old gentleman, who perceived the effect produced by the wound of his protégé, skilfully dispersed the disagreeable impression which the young heiress felt.

"Deslandes," said he, taking her aside, "attributes to a fall from a carriage, the loss of one of his fingers, which you have perhaps remarked; but since he is going to marry you, and I have meddled in the marriage, I feel obliged to tell you the truth. I beg you to let it rest between ourselves. Deslandes was wounded in a duel, caused by a political dispute, which did him great honor. I warn you of this, that you may endeavor to take the rule over him, and moderate the ardor of his character, for he is filled with excellent qualities, but on all questions of honor, he is a lion."

There is no woman who does not feel secretly flattered to marry a man worthy of this magnificent title of "lion." The adroit confidence of M. de Loiselay removed, therefore, the only objection which the president's daughter could have made. Thanks to the active and benevolent agency of the old gentleman, two months after his return from Paris, Deslandes celebrated his marriage with Mademoiselle Bescherin, and received the nuptial benediction from the hands of the bishop of D\*\*\*, who thought it his duty to do honor to the magistracy, of which the substitute and his father-in-law were both members.

At this moment, all the personages of this history are pursuing, some at Paris, and the others at D\*\*\*, their career, to which a year, which has scarcely passed since the events we have related, has brought no very serious changes. The chronicles of the green-room of the opera assert, that M. Piard, faithful to his faithless habits, shows himself very attentive to a little dancer. By a tacit agreement, as the price of the liberty which his wife allows him, and which he abuses, the counsellor of state sees himself forced to abdicate definitively the weak portion of matrimonial power, which he had formerly preserved. At this time, in her house, Mad. Piard, always beautiful, always sensible, more than ever powerful and respected, reigns alone, without division or control, and on the throne where fortune, power, and virtue place her, she sees her husband from such a height and distance, that it is impossible to bestow her anger on the wrongs which he can do her. This would be, she thinks, to be angry with an atom.

Thanks to the devotedness of Mad. Marmancourt, that Magdalen for whom the hour of penitence has not yet sounded, Blondel de Gustan has left his prison, but it is thought that he enjoyed his residence there, and that he is in advance resigned to return there, for never did he throw himself into the career of usurious loans, foolish debts, and

protested bills of exchange, in a more disorderly manner, and with a more astonishing indifference.

Victor Deslandes, who has been a husband for a year, and is now a father, (I have just received the news of it,) enjoys that tranquil, temperate and monotonous lot, which undoubtedly is not happiness, (where is happiness?) but which approaches as near it, as it is granted to man. With his own fortune, added to that of his wife, the substitute finds himself rich in his little city, and the comforts of every moment begin to compensate in his eyes, for the absence of those animated and refined enjoyments which the country cannot offer him. He fulfils his duties as a magistrate without passion, but also without disgust, for his marriage has attached him to his old duties, while it has created new ones. Deslandes loves his wife, in whom the want of personal beauty is supplied by goodness of heart, and even sometimes, thanks to her position, it must be owned that he finds her really pretty. And now that he is the father of a fat, rosy boy, with eyes as black as his own, and destined to perpetuate his race, he really feels himself happy. And what is wanting to make him so? If sometimes, in one of those fits of weariness and ennui from which the most prosperous conditions are not exempt, he feels a vague recurrence of the ambitious fancies which experience has not yet entirely corrected, the irritation itself, which he then feels, has more of charm than bitterness in it, for the pleasures of vanity are not the least lively which the soul can taste. It is very agreeable for a man to find himself above his fortune. He is then happy. I cannot complain of my lot, but still I was born for something better than this!

## CHRONOLOGY.

### FOREIGN.

CANTON, Jan. 7. The Chinese minister having refused to come to terms, the Chinese forts at the Bogue called Chuenpe, and Tykok-tow were attacked by the British naval force, and although defended with great gallantry, were taken. The Chinese suffered an immense loss, 5 or 600 men being killed, while the assailants lost but 3 men. On the 8th preparations were made to attack the forts of Anunghoy, when, in consequence of a request from the Chinese Admiral, operations were stopped and the negotiations were renewed. (For the position of

these places see "Map of the Harbor and Bay of Canton," Mon. Chron., Vol. I. facing p. 108.) The result of the negotiation was;—1st, A grant of the island of Hong Kong to the British.

2d, An indemnity to the British government of six millions of dollars, payable in annual instalments.

3d, Direct official intercourse between the two governments on an equal footing.

4th, The trade of Canton to be opened within ten days after the Chinese new year (the 23d Jan.) and to be carried on at Whampoa till further arrangements are practicable.

Details remain for negotiation. These

particulars were announced by Capt. Elliot in a circular addressed to British subjects under date of the 20th Jan. Chu-san was to be evacuated, and no northern port opened. The result of the negotiation excited great dissatisfaction in China and India among the English residents. The proceedings of Keshen, the Chinese plenipotentiary, were subsequently disavowed by the Emperor, and in consequence, on the 25th of Feb., Capt. Elliot stormed the forts on the Bogue with but trifling loss, and proposed to advance on Canton.

INDIA, February. A revolution took place this month in the Punjab, the consequences of which may prove important. It will be remembered that the former sovereign of the Punjab or Lahore, Kurruck Singh, died on the 5th of November last. At his funeral, his son and heir, Now Nebal Singh, was accidentally killed. At that time Shere Singh (the lion-tiger) expected to assume the crown, but the opposition of Beebe Chung Koor, the widow of the deceased king was so successful, that she obtained the throne herself, apparently as regent for the yet unborn heir of her son, whose widow was left pregnant. In this month Shere Sing, by the aid of the principal sirdars, of the European generals Ventura, Court, and Avitable, and the treachery of Rajah Dhean Singh, who brought with him 15,000 of the Ranee's troops, had succeeded in surprising and capturing after a well contested action, the fort of Lahore, and dispossessing the Ranee of the crown, which he had assumed himself. It is said that the dispossessed Ranee had been negotiating with the British agent for the purpose of obtaining the aid of that government to recover the kingdom for her family. It is not known what course the Indian government will take. The kingdom of Lahore, or the Punjab, is one of the few remaining independent states in the peninsula of Hindostan. It is situated in the northwest part of that country, at the head of the Himmalayan branches of the Indus.

CALLAO, Feb. 18. REVOLUTION IN PERU AND BOLIVIA.—In the course of the last month the anticipated convulsion has taken place.

Col. Vivanco has been proclaimed Supreme Chief in the departments of Cusco, Arequipa, Puno and Moquegua; and notwithstanding Gen. San Roman, who was placed in command of the former by Vivanco, has declared against him with about 1000 men, yet he appears to be rap-

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idly gaining ground, as the whole community is decidedly against the government of Gamarra, who has degraded the country to such an extent as to place it in the class of a Chilian colony, sustained by Chilian influence, and subject to Chilian control.

On the 21st ult. a general rising took place in Bolivia, headed by Generals Lara and Irigoyen, who have proclaimed Gen. Santa Cruz, Supreme Protector. This officer was expected at Guyaquil about the 15th or 20th ult., where he was to hold himself in readiness to embark for Peru with a small force on the first favorable opportunity; and as such opportunity is now offered, we are momentarily expecting him in Peru. On his arrival, the downfall of this degraded government is inevitable. In fact, nothing prevents its immediate overthrow but the want of some officer of rank and influence under whom all parties would unite.

BOGOTA, March 5. Intelligence has been received that Gen. Obando has taken Popayan, and will probably raise the province of Cauca in his favor, and march on Bogota. No quorum of Congress was formed, and Pres. Marquez's term of office expiring on the 1st of April, fears were entertained that there would be no general government. (As there are eight rebellious ones, the central government may be well spared.)

YUCATAN. The General Congress has designated Sunday, the 16th inst., as the day for publishing the constitution of that province and declaring its absolute independence of the government of Mexico.

CONSTANTINOPLE, March 28. Reshid Pacha has been dismissed from his post as Minister of Foreign Affairs, and replaced by Rifaat Bey, formerly Ambassador from the Porte at the Court of Vienna, who has also been made a Pacha. The Minister of Commerce, Fethi Achmet Pacha, has been replaced by the Capitan Pacha, Said Pacha, who is brother-in-law to the Sultan; and Tahir Pacha has been appointed Capitan Pacha in his stead. This change of ministry is stated to be a restoration of the "old school" to office.

PARIS, April 20. THE MILITARY BUDGETS OF FRANCE.—The following is an abstract of the items of the war and marine departments in the budget for 1842:—The budget of the Minister of War amounts to 364,718,891f., exceeding that of 1841 by 113,177,610f. This increase is occasioned by the augmentation of the effective force by 176,246 men,

and 46,854 horses—consequently the estimates are founded upon a basis of a general total of 493,741 men, and 110,996 horses. Out of these numbers the infantry will have an addition of 131,571 men; the cavalry of 24,343 men, and 22,249 horses; the artillery of 14,777 men, and 16,200 horses; the engineers of 2,588 men, and 402 horses; and the waggon-train of 1,515 men, and 1,356 horses. The increase of expense in the *matériel* of the army arises chiefly from the manufacturing of 62,000 new muskets, 452,000 kilogrammes of gunpowder, 4,000,000 capsules and other artillery stores, and from the improvements of fortifications and military buildings. For the budget of Algeria for 1842, the Minister proposes to raise the present force of 38,000 men to 65,000, which will make the extraordinary budget for this colony increased by 12,636,933f. The budget of the Minister of the Marine for 1842 amounts to 129,290,400f., comprising the expenses of the transatlantic packets, and exceeding the estimates of 1841 by 45,262,100f. By means of this credit the Minister of the Marine will be enabled to have an effective force of 20,628 men for the service of the ports of France, and her colonies, and 45,474 for the ships afloat, or ready to go to sea, furnishing crews for 225 ships—viz., 20 of the line, of which four mount 120 guns, two 100, seven 90, and seven 82 guns; 22 frigates, of which six have 60 guns, eight 52, and eight 46 guns; 18 corvettes, of from 32 to 24 guns; 3 advice corvettes of 16 guns; 22 brigs of from 20 to 16 guns; 17 brigs of 12 guns; 55 gun-boats, schooners, and smaller vessels; 12 transport sloops of 800 tons burden; 21 storeships of from 600 to 200 tons; 35 steam-vessels, two of which will be of 450 horse power, one of 320, five of 220, twenty-one of 160 or 150, and six of 120. The principal expenditure of this department will be 58,535,900f. for the pay of the men and officers, victualling, and hospitals, and 52,397,400f. for the naval and artillery works, and materials both in and out of the ports, the hydraulic works and civil buildings, and, finally, 12,879,000f. for the colonial service.

LONDON, April 29. Ministers were defeated in the House of Commons in a clause in the Irish Registration Bill by a majority of 11. The defeat was regarded by some as the signal for a dissolution. But on the 30th, Lord John Russell made a statement in the House which showed that ministers were determined not to

leave their places without a struggle, and that they had still a strong card to play. He announced that on the 31st of May he should move that the House should resolve itself into a committee of the whole, to consider the acts relating to the trade in corn, stating at the same time, that the Ministry had agreed on giving their support to a fixed duty, instead of the movable duties dependent on the variations of prices which have hitherto been in use. The same night the Chancellor of the Exchequer opened the budget. He admitted that from various causes there was a deficiency of £2,421,000, and assuming, as he felt privileged to do, that £731,000 of this was an extraordinary expense arising from the Chinese war, there was still nearly two millions to be provided for. To meet this deficiency, however, he proposed no new taxes, but he intended to reduce the duty on Baltic timber from 55 to 50 shillings, and to raise that on colonial timber from 10 to 20 shillings, thus leaving a protection of 30 shillings on colonial timber, while he yet hoped from the change, an additional revenue of £600,000. He proposed a similar change with regard to sugars, reducing the duty on foreign sugars from £3 3s. per cwt., to 36s., leaving that on colonial sugars unchanged, by which the protection would be reduced to 12 shillings per cwt. He hoped that the increase of revenue to be derived from the government propositions with relation to the corn laws, would suffice for any further deficiency.

These two statements aroused the greatest excitement throughout Great Britain. The ministry was not one from which so bold a measure as the proposed change of the corn laws would be expected. Nor was the proposition involved in this, one, the popularity of which could be measured by the old party divisions.

On the 7th Lord John Russell gave notice that when the House should go into committee on the corn laws, he should propose a fixed duty of 8 shillings per quarter on wheat, 5s. on rye, 4s. 6d. on barley, and 3s. 4d. on oats. On the same day the debate on the budget began, in which, on the 14th, the ministerial project respecting sugar was rejected. Sir R. Peel at once offered a resolution of want of confidence in ministers, the debate on which was pending at our last accounts.

MADRID, May 7. The Spanish Cortes elected Gen. Espartero, Duke of Victoria, sole Regent of Spain. He received 179 votes, Augustine Aguelles 103, the

Queen Dowager 5; there were two scattering and one blank ticket. It had been previously voted by 153 votes out of 290, that the Regency should consist of one person. The number of Deputies present was 196, of Senators 94. M. Arguelles after announcing the result, dissolved the meeting.

#### DOMESTIC.

April 17. An atrocious act of arson and murder was discovered at St. Louis. About one o'clock the alarm of fire was given by the flames bursting out of the windows and various parts of the large stone store on the corner of Pine and Water streets; the front on Water street occupied by Messrs. Simonds and Morrison, and the rear by Mr. Pettus as a banking-house, formerly Collier & Pettus. At the time of the discovery it was evident that the building had been set on fire in several parts, and the flames had made such progress that it was impossible to save either the house or any of its contents.

That it was the work of an incendiary was soon apparent. Several gentlemen who arrived early, after some difficulty forced open the door of the banking house, and through the smoke discovered a body lying on the floor near the stove. The body was taken out before the flames had reached it; and found to be that of Mr. Jacob Weaver, a young man, a clerk in the store of Messrs. Von Phul & McGil, who usually slept in the room immediately in the rear of Mr. Pettus's banking room, with Mr. Jesse Baker, the clerk of Messrs. Simonds and Morrison. Mr. Weaver was found in the dress he had worn during the day, but his head dreadfully mangled. He had been shot through the head, the ball entering above the left eye, and so near had the weapon been to him that his face and left hand was blackened with the powder, and the little finger nearly cut off, apparently by the ball. His head was also cut open in several places, the wounds appearing to have been made with a bowie knife or hatchet.

Near to him, in the same room, was found the hat and handkerchief of Mr. Baker, but no traces of his body could be discovered. It is conjectured that he had been killed, either in the bed room or some other part of the store, and that his body lies buried in the ruins.

In the banking house there was a large fire proof vault, in which there is at all

times a large sum of money, and it is supposed that the murder was committed with a view of entering the vault. Of the manner, however, there is nothing but conjecture. Mr. Baker left his boarding house about nine for the store, and has not been seen since. Mr. Weaver was in company with a number of young men at a ten pin alley, until about 11 o'clock, when he went to the store, and about the time he arrived the report of two pistols or guns were heard in that direction by the people in the vicinity, but from the reprehensible frequency of such reports, excited no attention. Some suppose the murderers had concealed themselves in the store, and had previously despatched Baker, and killed Weaver when he entered. Our own belief, from all the circumstances, is that they entered with Weaver, and that the struggle and death of both followed immediately. After the murder they doubtless fired the house in several places with the hope of consuming the bodies, and in the expectation that their crime would not be discovered.

So far as there has been any means of judging, it is believed that the murderers failed in their principal purpose, that of entering the vault. Owing to the heat, up to a late hour yesterday, the door could not be approached, but when it was, it was found to be locked, and could not be unlocked. The safe of Messrs. Simonds and Morrison, in which there was some money, was undisturbed, and it was therefore probable that but little booty was obtained.

The loss by the fire has been very great. Mr. Pettus lost all his books and the books of Collier & Pettus. He however, after three attempts at great personal risk, succeeded in getting out a drawer under the counter, in which were all his bills receivable, amounting to near \$200,000, the papers being very little injured. Most of the books and papers of the late firm of Hempstead & Beebe were destroyed, and Mr. Hempstead's desk.

Messrs. Simonds & Morrison lost their journal and ledger, but saved several other books. Their safe was dragged out, and the papers in it preserved with little damage. Their entire stock of goods however was consumed. Their loss, including their own stock, and the goods on storage and commission, is estimated at about 30,000 dollars, which is probably below the actual amount. They were covered by insurance to the amount of their own stock. The whole loss, includ-

ing the goods and the building, may be set down at from 40 to \$50,000.

The fire extended to the adjoining building, occupied by Messrs. Kennell, White & Co., which with the stock was damaged to the extent of 10 or 15,000 dollars, and some other buildings were occasionally on fire, but by the exertions of the firemen and citizens, the further spread of the flames was prevented.

About the break of day, the interior of the first building having all fallen in, Mr. Ansel S. Kimball, first engineer of the Union Fire Company, was standing on the side walk on Pine street playing on the fire through a window, when the wall suddenly gave way and fell outwards into the street. A gentleman with him made his escape, but Kimball was caught and crushed beneath the falling mass. His remains in a few minutes were disinterred from the ruins, but the vital spark had fled.

Mr. Kimball was an enterprising citizen, a carpenter by trade, and of irreproachable character. He was born in Concord, N. H., and came to this city from Boston in the fall of 1836. He has left a young and amiable wife, and children to mourn his loss, a loss to her which no sympathy can repair, but for whose future comfort it is now the duty of our community to make a liberal provision.

Mr. Weaver was a young man, about 22 years of age, of excellent character, and had the entire confidence of his employers and the esteem of all his acquaintances.

Mr. Baker was a young gentleman of about 22 years of age, the son of a respectable family, residing in Worcester county, Mass., and a nephew of Mr. Jesse Lindall, of this city. For steadiness and propriety of conduct, he was a pattern, and it is nothing more than justice to say, that there was not a worthier young man in our community. He has lived here a number of years, and from all with whom he became acquainted, won the applause due to rectitude and worth.

This succession of crimes and disasters excited an intense feeling in the community, and the citizens were aroused to every exertion for discovering the perpetrators. These exertions in a very few days proved entirely successful. It appeared that this atrocious series of crimes was perpetrated by four free negroes named Madison, Brown, Seward, and Warwick. Madison had made a full statement in conversation to a negro nam-

ed Ennis, of the manner in which the deed was done, and the others subsequently confirmed the statements. On Ennis's testimony the officers went in pursuit of them in different directions, and arrested them all. The trial of Madison came on on the 24th inst., that of Brown on the 25th, of Seward on the 26th, of Warwick on the 27th. They were all convicted.

April 20. The ship William Brown, of and from Philadelphia, struck on an iceberg, and sunk almost immediately. The captain and 14 others took to the jollyboat at once, and were subsequently picked up by the French fishing lugger, La Mere de Famille, and carried into St. Pierre. The mate and 33 others took refuge in the long boat, but it soon appearing to the seamen, that the boat was overladen, they took the responsibility of lightening her by throwing sixteen passengers, fourteen men and two women, into the sea. They justified this proceeding, by saying that the persons thus thrown overboard were nearly dead, having no protection from the severity of the weather, and that it was necessary for the safety of the others. Within twelve hours, however, the survivors were picked up by the ship Crescent; fortunately, for they had no provisions whatever.

May 1. PENNSYLVANIA. Gov. Porter returned to the Legislature with the Executive veto, the bill commonly called the Relief and Bank bill. The two Houses however subsequently passed the bill by the majorities required by the constitution, so that it has become a law. Its leading object is to raise a revenue, incidentally on which it affords some temporary relief to the banking institutions of the State. It authorizes the contraction of a State loan of \$3,100,000 for 5 years at 5 per cent. The credit of the State is so low, however, that under ordinary circumstances, this loan would not be taken up; accordingly the bill provides that the banks may be authorized to take it. As they have not money enough to meet their present engagements, much less to make large loans for so long a time, it provides, as inducements to them, that they shall in future be permitted to issue small notes, and to pay the instalments of the loan in such; that these notes need not be redeemed when offered in less amounts than \$100, and then may be redeemed in orders for State stock at par; that the banks shall not be subject by way of penalty or otherwise to any higher rate of interest than 6 per cent.; that the resolution for the resumption of

specie payments be repealed ; and that any provisions in their charters providing for the forfeiture of charter, other than that of the U. S. Bank, be suspended till further legislative action, and the repayment of the loan. The notes issued are to be receivable and payable by the State treasurer and the banks. The bill further provides for increased taxation, and specifies various objects to which the revenue is to be applied.

May 5. The steamship Mississippi was launched at Philadelphia, between one and two o'clock, in the presence of a great concourse of spectators. About 300 persons were in the vessel, when she went off the stocks. The following description of the vessel, and of the progress of construction, is given by the Philadelphia Public Leger.

The keel of the Mississippi was laid in August, 1839, since which time a daily average of about 100 men have been engaged upon her, a period of twenty-one months. She measures twelve feet more in length than the great ship Pennsylvania, launched from the same building ; and though she has a few feet less of beam, her wheel-house gives her the appearance of much greater width. Her dimensions are as follows :

	Feet.	Inches.
Length of keel,	206	9
Length between the perpendiculars,	220	
Extreme length from the cutwater to the taffrail,	244	
Width of beam moulded or width at the timbers,	39	
The same outside of planking,	40	
Extreme breadth outside the paddle-boxes,	66	6
Depth of hold,	22	6
Measurement of tons (per carpenter's measurement), as a double decker,	1788 tons.	
Measurement as a single decker,	1945 tons.	
Measurement by the rule that the tonnage of the steamship President is estimated by,	2280 tons.	

She has two magazines, one forward, and one aft, lined all round with copper, fitted with wooden tanks lined with lead, and thus made wholly impervious to water. In case the vessel should spring a leak, or by taking fire should render it necessary to overflow her with water, the powder would be kept dry and fit for instant use. This is a great improvement

over the old practice of carrying it in barrels. She has thirty water tanks, twelve at the engine, and eighteen forward. These tanks are of wrought iron, securely riveted, water-tight, and enclosed in wooden cases. They are of different size and shape, and when stowed form a level surface. The frame of this frigate is of live oak, from Florida. The frame is admirably secured by iron trusses running from the gun deck to the second futtock head, bolted through the frames. These are five feet apart, four inches wide, and three-quarters of an inch thick. Between the berth-deck clamps and the bilge-streaks at second futtock and first futtock heads, there are trusses of timber six inches square, running at right angles with the braces. The main kelson is of live oak, two feet deep ; there are four wing kelsons of white oak, on which the bed plates for the engine rest. These bed plates are secured by about forty iron bolts, from two to four inches in diameter, running through the timbers, the heads covered by the bottom planks. The engines are secured together by massive cast iron framing, in the Gothic style, combining in an eminent degree strength and compactness. The paddle wheel, shafts, cranks, connecting rods, cross-beads, &c., are immense masses of wrought iron, which were forged at the West Point Foundry, at Cold Springs. In addition to their being beautiful specimens of heavy forging, they are palpable evidences that heavy smith-work of this description *can be executed* in this country. The boilers are of copper, each being 13 feet wide, 14 feet long, 12 feet 3 inches high, with double return flues, so that the flame traverses the length of the boiler three times before it reaches the chimney. They are strongly braced at intervals of eight inches, and are to be proved to a pressure of thirty pounds to each square inch of surface. Each will weigh about 50,000 lbs. The cylinders are 6 feet 3 inches in diameter—7 feet stroke. The castings weighed in the rough about 16,000 lbs., and in their finished state about 12,000 each. The lever beams are of cast iron—two for each engine—weighing 12,000 lbs each. This vessel is intended to carry between 700 and 800 tons of coal, which will suffice for about 25 days' steaming. All the work, with the exception of the very heavy forging and the brass castings, has been executed at the Southwark Foundry, and in a manner that challenges comparison. The whole of the machin-

ery reflects the highest credit upon those enterprising machinists, Messrs. Merrick and Town. Her armament is intended to be on a scale commensurate with her magnificent hull and machinery. She is pierced with twenty-six ports in all, but it is intended that she shall carry but eighteen guns in all—six aft the wheelhouse and three forward only, on each side. She will carry two ten-inch Paixhan guns forward, which are to traverse the greater part of a circle on a swivel; these two guns will be able to carry shot of one hundred pounds weight. The other sixteen guns will be of eight-inch bore, and will carry sixty-four pound balls. The intention now is to bore out double fortified forty-two pounders for this purpose. This, however, may ultimately be abandoned, and eight-inch ordnance, cast for this especial purpose, be adopted in their stead. On her upper or main deck all her guns are intended to be placed. A large place is left in the centre of the berth-deck for the engines and machinery. There are two coal-bunkers, each about eighty feet in length, and are situated on the larboard and starboard sides of the engines. Her complement of men will be about two hundred, the berths for whom will occupy all the space on the berth deck, from the bow up to thirty feet aft of the foremast. Then come the bulkheads of the engine-room and the coal bunkers. These bulkheads run aft, flush with the mainmast, all aft of which is preserved for the senior and junior officers. Below the berth-deck, and from it to the keel, the frigate is divided into five compartments by four water-tight iron bulkheads, which run athwart ships, and which would prevent her from sinking or filling, if by accident or in battle she should spring a-leak. The bulwarks are cut away at the bow to allow the ten-inch guns to traverse and play, and there are pieces hung by hinges, as port-shutters, which fit in these apertures, to give it the appearance of being built up solid.

May 14. In conformity with the proclamation of President Tyler, this day was very generally observed through the United States as a national fast, in commemoration of the lamented death of the late President Harrison.

May 18. The trial of McLeod for murder and arson in the attack on the steamboat Caroline, began in New York. Considerable evidence was introduced to the facts which are already before the public. [Vide Art. VIII., Vol. II., Mon.

Chron., p. 193.] and able counsel argued the points at issue. The argument was conducted principally on the points of international law involved. The decision is not yet pronounced.

May 18. The steamship Britannia, from Boston to Liverpool, while approaching Halifax harbor, struck on the Sisters, near Sambro Light House. She made but little water, however, and having arrived at Halifax, on lightening her of her cargo, it appeared that her injury was slight. She was sent round to St. John's to repair in the dry dock naturally formed there by the great height of the tides in the Bay of Fundy, and after a few days' detention, she returned to Halifax, and proceeded thence on her voyage, on the 29th.

May 20. The National Theatre in N. York was burned to the ground; the fire being communicated by incendiaries.

May 31. The Twenty-Seventh Congress of the United States assembled at Washington in extra session, in pursuance of the President's proclamation. A list of the members of the Senate has been already published, [Mon. Chron., p. 142.] The following is a list of the members of the House of Representatives, those printed in Roman letters having been elected as Whigs, or supporters of the administration, and those in Italics, as belonging to the Democratic party, or the opposition. In the districts thus marked [\*] there is a political change, compared with that of the last Congress.

Dist's. MAINE

1. *Nathaniel Clifford.*
2. William P. Fessenden.\*
3. Benjamin Randall.
4. David Bronson.
5. *Nathaniel Litchfield.*
6. *Alfred Marshall.*
7. *Joshua A. Lovell.*
8. Elisha H. Allen.\*

NEW HAMPSHIRE.

General Ticket.

*Tristram Shaw.*

*Ira Eastman.*

*Charles G. Atherton.*

*Edmund Burke.*

*John B. Reding.*

VERMONT.

Dist's.

1. Hiland Hall.
2. William Slade.
3. Horace Everett.
4. Augustus Young.\*
5. John Mattocks.\*

MASSACHUSETTS.

1. Robert C. Winthrop.

2. Leverett Saltonstall.
3. Caleb Cushing.
4. *William Parmenter.*
5. Charles Hudson.
6. Osmyn Baker.
7. Geo. N. Briggs.
8. William B. Calhoun.
9. William S. Hastings.
10. Nathaniel B. Borden.\*
11. Barker Burnell.
12. John Quincy Adams.

## RHODE ISLAND.

## General Ticket.

Joseph L. Tillinghast.  
Robert B. Cranston.

## CONNECTICUT.

## Dist's.

1. Joseph Trumbull.
2. William W. Boardman.
3. Thomas W. Williams.
4. Thomas B. Osborne.
5. Truman Smith.
6. John H. Brockway.

NEW YORK.

1. *Charles A. Floyd.*
2. *Josph Egbert.*  
  { *John Mc Keon.\**
3. { *James J. Roosevelt.\**  
  { *Fernando Wood.\**  
  { *Charles G. Ferris.\**
4. *Aaron Ward.*
5. *Richard D. Davis.\**
6. *James G. Clinton.*
7. *John Van Buren.\**  
  { *R. McClellan.*
8. { *Jacob Houck, Jr.*
9. *Hiram P. Hunt.*
10. *Daniel D. Barnard.*
11. *Archibald L. Linn.*
12. *Bernard Blair.*
13. *Thomas A. Tomlinson.\**
14. *Henry Van Rensselaer.\**
15. *John Sanford.\**
16. *Andrew W. Doig.*  
  { *John G. Floyd.*
17. { *David P. Brewster.*
18. *Thomas C. Chittenden.*
19. *Samuel S. Bowe.*
20. *Samuel Gordon.*
21. *John C. Clark.*
22. { *Lewis Riggs.*  
  { *Samuel Partridge.*
23. { *Victory Birdseye,*  
  { *A. L. Foster.\**
24. *Christopher Morgan.*
25. *John Maynard.\**
26. *John Greig.*
27. *William M. Oliver.*
28. *Timothy Childs.*
29. *Seth M. Gates.*
30. *John Young*
31. *Stanley N. Clarke.*

32. *Millard Fillmore.*

33. *Alfred Babcock.*

## NEW JERSEY.

## General Ticket.

John B. Ayerigg.  
John P. B. Maxwell.  
William Halsted.  
Joseph F. Randolph.  
Chas. C. Stratton.  
Thomas Jones Yorke.

## PENNSYLVANIA.

## Dist's.

1. *Charles Brown.*
2. { *John Sergeant.*
3. { *George W. Tolland.*
3. *Charles J. Ingersoll.\**
4. { *John Edwards.*
4. { *Jeremiah Brown.*
4. { *Francis James.*
5. *Joseph Fornance.*
6. *Robert Ramsay.\**
7. *John Westbrook.*
8. *Peter Richard.*
9. *George M'Keim.*
10. *William Simonton.*
11. *James Gerry.*
12. *James Cooper.*
13. *Amos Gustine.*
14. *James Irvine.\**
15. *Benjamin A. Bidlack.*
16. *John Snyder.*
17. *Davis Dimock.*
18. Vacancy.
19. *Albert G. Marchand*
20. Vacancy.
21. *Joseph Lawrence.\**
22. *William W. Irwin.*
23. *William Jack.*
24. *Thomas Henry.*
25. *Arnold Plumer.*

## DELAWARE.

George B. Rodney.\*

## MARYLAND.

1. *Isaac D. Jones.*
2. *James A Pearce.\**
3. *James W. Williams.*
4. { *J. P. Kennedy.\**
4. { *Alexander Randall.\**
5. *William Cost Johnson.*
6. *John T. Mason.*
7. *Augustus R. Sollers.*

## VIRGINIA.

1. *Henry A. Wise.*
2. *Francis Mallory.*
3. *George B. Casey.*
4. *John M. Botts.*
5. *R. M. T. Hunter.*
6. *John Taliaferro.*
7. *Cuthbert Powell.*
8. *Linn Banks.*
9. *William O. Goode*
10. *John W. Jones.*

11. <i>E. W. Hubbard.</i>	16. <i>Joshua R. Giddings.</i>
12. <i>Walter Coles.</i>	17. <i>John Hastings.</i>
13. <i>Thomas W. Gilmer.</i>	18. <i>Ezra Dean.</i>
14. <i>William L. Goggin.</i>	19. <i>Samuel Stokely.*</i>
15. <i>R. B. Barton.</i>	INDIANA.
16. <i>William A. Harris.</i>	1. <i>George W. Proffit,</i>
17. <i>A. A. H. Stuart.</i>	2. <i>Richard W. Thompson.*</i>
18. <i>George W. Hopkins.</i>	3. <i>Joseph L. White.*</i>
19. <i>George W. Summers.</i>	4. <i>James H. Cravens.*</i>
20. <i>Samuel L. Hays.</i>	5. <i>Andrew Kennedy.*</i>
21. <i>Lewis Steinrod.</i>	6. <i>David Wallace.*</i>
NORTH CAROLINA.	7. <i>Henry S. Lane.*</i>
1. <i>Kenneth Rayner.</i>	ILLINOIS.
2. <i>John R. J. Daniel.</i>	No election till August.
3. <i>Edward Stanley.</i>	MISSOURI.
4. <i>William H. Washington.*</i>	General Ticket.
5. <i>James M'Kay.</i>	<i>John Miller.</i>
6. <i>Archibald Arlington.</i>	<i>John C. Edwards.</i>
7. <i>Edmund Deberry.</i>	ARKANSAS.
8. <i>R. M. Saunders.</i>	<i>Edward Cross.</i>
9. <i>Augustine H. Shepherd.*</i>	KENTUCKY.
10. <i>Abraham Rencher.*</i>	Dist's.
11. <i>Green C. Caldwell.</i>	1. <i>Linn Boyd.</i>
12. <i>James Graham.</i>	2. <i>Philip Triplett.</i>
13. <i>Lewis Williams.</i>	3. <i>Joseph R. Underwood.</i>
SOUTH CAROLINA.	4. <i>Bryan W. Owsley.</i>
1. <i>Isaac E. Holmes.</i>	5. <i>John B. Thompson.</i>
2. <i>William Butler.</i>	6. <i>Willis Green.</i>
3. <i>F. W. Pickens.</i>	7. <i>John Pope.</i>
4. <i>John Campbell.</i>	8. <i>James C. Sprigg.</i>
5. <i>James Rogers.</i>	9. <i>John White.</i>
6. <i>S. H. Butler.</i>	10. <i>Thomas F. Marshall.</i>
7. <i>Thomas D. Sumter.</i>	11. <i>Landoff W. Andrews.</i>
8. <i>R. Barnwell Rhett.</i>	12. <i>Garret Davis</i>
9. <i>C. P. Caldwell.</i>	13. <i>William O. Butler.</i>
GEORGIA.	TENNESSEE.
General Ticket.	1. <i>Thomas D. Arnold.</i>
<i>Richard W. Habersham.</i>	2. <i>Abraham M'Cellan.</i>
<i>William C. Dawson.</i>	3. <i>Joseph L. Williams.</i>
<i>Julius C. Alvord.</i>	4. <i>Thomas J. Campbell.*</i>
<i>Eugenius A. Nisbet.</i>	5. <i>Hopkins L. Turney.</i>
<i>Lott Warren.</i>	6. <i>Wm. B. Campbell.</i>
<i>Thomas Butler King.</i>	7. <i>Robert L. Caruthers.</i>
<i>Roger L. Gamble.</i>	8. <i>Meredith P. Gentry.</i>
<i>James A. Merriwether.</i>	9. <i>Harvey M. Watterston.</i>
<i>Thomas F. Foster.</i>	10. <i>Aaron V. Brown.</i>
MICHIGAN.	11. <i>Care Johnson.</i>
<i>Jacob M. Howard.*</i>	12. <i>Milton Brown.</i>
ist's.	13. <i>Christopher H. Williams.</i>
OHIO.	ALABAMA.
1. <i>N. G. Pendleton.*</i>	General Ticket.
2. <i>John B. Weller.</i>	<i>Reuben Chapman.</i>
3. <i>Patrick G. Goode.</i>	<i>George S. Houston.</i>
4. <i>Jeremiah Morrow.</i>	<i>W. W. Payne.</i>
5. <i>William Doane.</i>	<i>Dixon H. Lewis.</i>
6. <i>Calvary Morris.</i>	<i>Benjamin G. Shields.</i>
7. <i>William Russell.</i>	MISSISSIPPI.
8. <i>Joseph Ridgeway.</i>	<i>Adams L. Bengaman.</i>
9. <i>William Medill.</i>	<i>W. R. Harley.</i>
10. <i>Sampson Mason.</i>	LOUISIANA.
11. <i>B. S. Cowan.*</i>	Dists.
12. <i>Joshua Mathiot.*</i>	1. <i>Edward D. White</i>
13. <i>James Matthews.</i>	2. <i>John B. Dawson.*</i>
14. <i>George Sweeney.</i>	3. <i>John Moore.*</i>
15. <i>S. J. Andrews.</i>	